

FEDERAL REGISTER

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Pages 11335-11410



Agencies in this issue—

The President
Agricultural Research Service
Agriculture Department
Atomic Energy Commission
Census Bureau
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Customs Bureau
Employment Security Bureau
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fiscal Service
Fish and Wildlife Service
Food and Drug Administration
Housing and Urban Development
Department
Interstate Commerce Commission
Land Management Bureau
Public Health Service
Wage and Hour Division

Detailed list of Contents appears inside.



How To Find U.S. Statutes and United States Code Citations

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been in-

cluded. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

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Title 3—THE PRESIDENT

Proclamation 3737

CHILD HEALTH DAY, 1966

By The President of the United States of America

A Proclamation

A good start in life is essential to a child's physical and mental development and to the progress of our society.

The best start a baby can have is to be born healthy of healthy parents.

Almost one-half of our population is now under the age of twenty-five. The health of these children and young people will be a measure of the strength of our country in meeting its future challenges.

It is both our obligation and in our national interest to insure that all children and young parents are given the opportunity for good health.

The observance of a special day emphasizing child health serves to underscore our national concern for the well-being of the young people in our land.

To this end the Congress by a joint resolution of May 18, 1928, 45 Stat. 617, as amended (36 U.S.C. 143), has requested the President of the United States to issue annually a proclamation setting apart the first Monday in October as Child Health Day.

Child Health Day is also an appropriate time to observe a Universal Children's Day and to salute the work which the United Nations, through its specialized agencies, and the United Nations Children's Fund are doing to build better health for children around the world:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate Monday, October 3, 1966, as Child Health Day; and I invite all persons and all agencies and organizations interested in the health and welfare of youth to mark that day with activities which will help promote opportunities for all children to attain an adulthood that will be satisfying to them and will enhance their contribution to the progress of our society.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

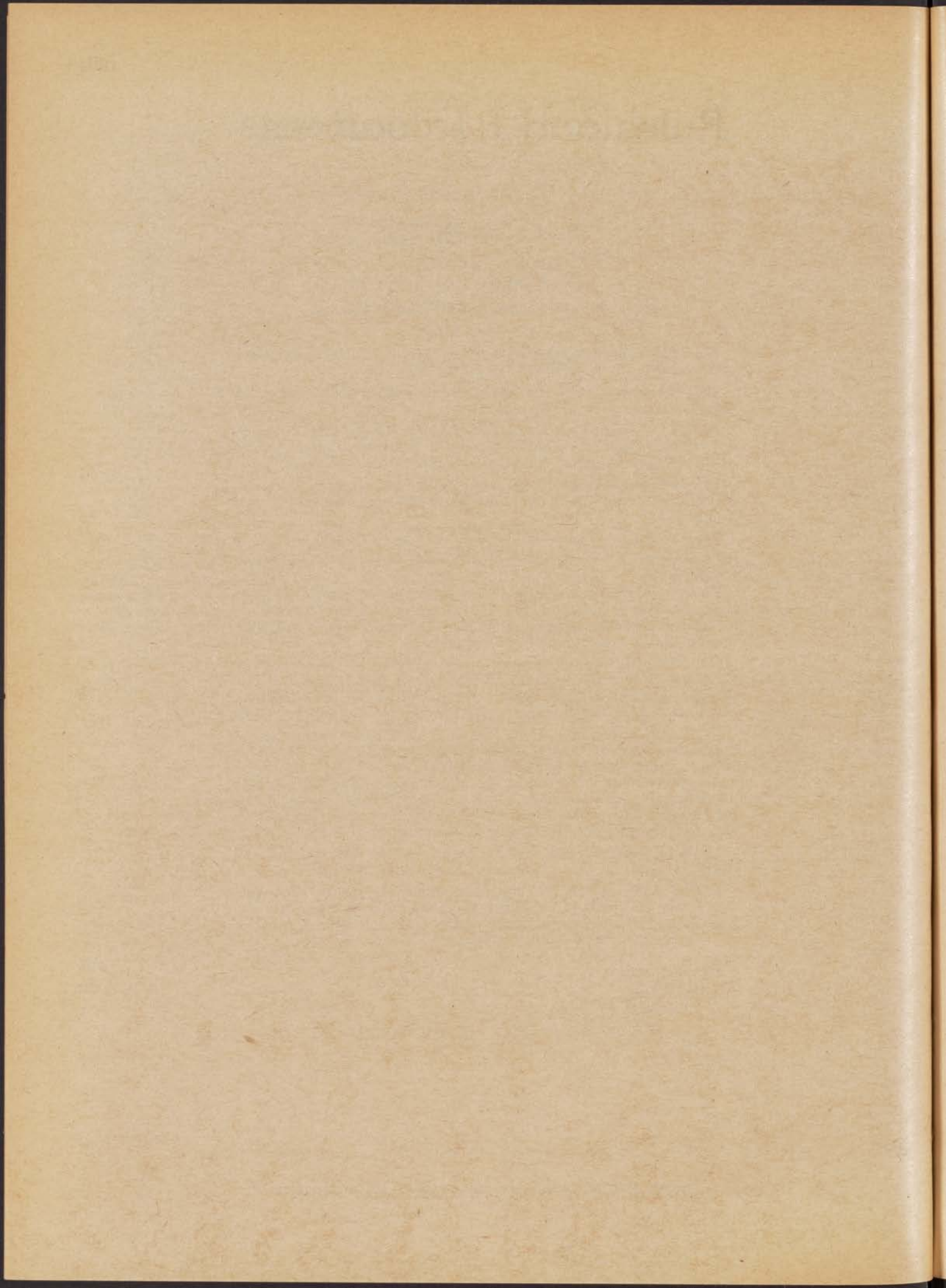
DONE at the City of Washington this twenty-fourth day of August in the year of our Lord nineteen hundred and sixty-six,
[SEAL] and of the Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 66-9436; Filed, Aug. 26, 1966; 10:25 a.m.]



Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 612, Revocation]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Khapra Beetle

REVOCATION OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions issued as 7 CFR 301.76-2a (31 F.R. 7609), effective May 27, 1966, are hereby revoked, effective August 27, 1966. However, such instructions shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to said date.

This revocation relieves restrictions by removing, from the list of premises in which infestations of the khapra beetle have been determined to exist, all premises now listed therein; and terminating the designation of such premises as regulated areas within the meaning of such quarantine and regulations, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. Therefore, it is considered safe to release them from regulation. This revocation removes from regulation under the khapra beetle quarantine the two premises constituting the only regulated areas listed in the latest revision of the administrative instructions, effective May 27, 1966.

The revocation therefore relieves restrictions deemed unnecessary and must be made effective promptly in order to be of maximum benefit to persons wishing to move regulated products from these premises. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing revocation are impracticable and contrary to the public interest, and since the revocation relieves restrictions it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 8, 37 Stat. 318, as amended; sec. 9, 37 Stat. 318; 7 U.S.C. 161, 162; 29 F.R. 16210, as amended, 30 F.R. 5801, as amended; 7 CFR 301.76-2)

Done at Hyattsville, Md., this 23d day of August 1966.

[SEAL]

D. B. SHEPHERD,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 66-9354; Filed, Aug. 26, 1966;
8:46 a.m.]

[P.P.C. 629, 8th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

REGULATED AREAS

Pursuant to § 301.81-2 of the regulations supplemental to the imported fire ant quarantine (7 CFR 301.81-2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), administrative instructions appearing as 7 CFR 301.81-2a are hereby revised to read as follows:

§ 301.81-2a Administrative instructions designating regulated areas under the imported fire ant quarantine.

The following counties, parishes, other civil divisions, or parts thereof, in the quarantined States listed below, are designated as imported fire ant regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into eradication areas or generally infested areas as indicated below:

ALABAMA

(1) Generally infested areas.

Autauga County. The entire county.
Baldwin County. The entire county.
Barbour County. The entire county.
Bibb County. The entire county.
Blount County. That portion of the county lying south of the north line of T. 12 S.
Bullock County. The entire county.
Butler County. The entire county.
Calhoun County. The entire county.
Chambers County. The entire county.
Chilton County. The entire county.
Choctaw County. The entire county.
Clarke County. The entire county.
Clay County. The entire county.
Coffee County. The entire county.
Conecuh County. The entire county.
Coosa County. The entire county.
Covington County. The entire county.
Crenshaw County. The entire county.
Dale County. The entire county.
Dallas County. The entire county.
Elmore County. The entire county.
Escambia County. The entire county.
Fayette County. The entire county.
Geneva County. The entire county.
Greene County. The entire county.
Hale County. The entire county.
Henry County. The entire county.
Houston County. The entire county.
Jefferson County. The entire county.
Lamar County. The entire county.
Lee County. The entire county.
Lowndes County. The entire county.

Macon County. The entire county.
Marengo County. The entire county.
Marion County. The entire county.
Mobile County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Perry County. The entire county.
Pickens County. The entire county.
Pike County. The entire county.
Russell County. The entire county.
St. Clair County. The entire county.
Shelby County. The entire county.
Sumter County. The entire county.
Talladega County. The entire county.
Tallapoosa County. The entire county.
Tuscaloosa County. The entire county.
Walker County. The entire county.
Washington County. The entire county.
Wilcox County. The entire county.
(2) Eradication areas.

Cleburne County. That portion of the county lying south of the north line of T. 16 S. and west of the east line of R. 10 E.

Etowah County. N $\frac{1}{2}$, T. 11 S., R. 6 E., S $\frac{1}{2}$, T. 11 S., Rs. 5, 6, and 7 E., and all of the county within Rs. 5, 6, and 7 E. lying south of the north line of T. 12 S.

Limestone County. S $\frac{1}{2}$, T. 3 S., R. 4 W.; T. 4 S., R. 4 W.; all of T. 5 S., R. 4 W. lying north of the Tennessee River; SE $\frac{1}{4}$, T. 3 S., R. 5 W.; and that part of the E $\frac{1}{2}$, T. 4 S., R. 5 W. lying north of the Tennessee River.

Morgan County. N $\frac{1}{2}$, T. 6 S., Rs. 4 and 5 W.; and those portions of T. 5 S., Rs. 4 and 5 W., and T. 4 S., R. 5 W., lying south of the Tennessee River.

ARKANSAS

(1) Generally infested areas. None.

(2) Eradication areas.

Ashley County. Those portions of Tps. 18 and 19 S., Rs. 6, 7, 8, 9, and 10 W., lying in Ashley County.

Union County. The entire county.

FLORIDA

(1) Generally infested areas.

Baker County. That portion of the county lying south of the north line of T. 2 S.

Bay County. The entire county.

Calhoun County. The entire county.

Clay County. That portion of the county bounded by a line beginning at a point where the northeast fork of Little Black Creek intersects the Duval-Clay County line, thence extending east along said county line to the St. Johns River, thence south along said river to its intersection with the north boundary line of T. 7 S., thence west along said line to its intersection with the east boundary line of R. 25 E., thence north along said line to its intersection with Black Creek, thence west along said creek to its junction with Little Black Creek, thence north along said creek to its northeast fork, thence north along said fork to the point of beginning. Also T. 4 S., R. 23 E.

Duval County. The entire county.

Escambia County. The entire county.

Franklin County. That portion of the county lying west of the east boundary line of R. 7 W.

Gadsden County. The entire county.

Gulf County. The entire county.

Hardee County. T. 33 S., Rs. 23, 24, 25, and 26 E., T. 34 S., Rs. 23, 24, and 25 E., and T. 35 S., R. 23 E.

Hernando County. The entire county.

Hillsborough County. The entire county.

Holmes County. The entire county.
 Jackson County. The entire county.
 Jefferson County. The entire county.
 Lake County. T. 24 S., R. 24 E.
 Leon County. The entire county.
 Liberty County. The entire county.
 Manatee County. The entire county.
 Okaloosa County. The entire county.
 Pasco County. The entire county.
 Pinellas County. The entire county.
 Polk County. The entire county.

St. Johns County. That portion of the county lying north of the south boundary line of T. 5 S.

Santa Rosa County. The entire county.
 Sarasota County. That portion of the county lying north of the south boundary line of T. 37 S.

Sumter County. That portion of the county lying south of State Highway 50, and Tps. 18 and 19 S., Rs. 22 and 23 E.

Wakulla County. The entire county.

Walton County. The entire county.

Washington County. The entire county.

(2) Eradication areas.

Lake County. That portion of the county beginning at a point where State Highway 44A intersects State Highway 437, thence east along Highway 44A to the junction of State Highway 44, thence northeast along Highway 44 to the St. Johns River, thence south along the east boundary line of Lake County to the Orange County line, thence west along the Lake-Orange County line to the west boundary line of section 35, T. 19 S., R. 27 E., thence north along the west boundary line of section 35, T. 19 S., R. 27 E. to the junction of State Highway 46, thence east along Highway 46 to the junction of State Highway 437, thence north along Highway 437 to the point of beginning.

Orange County. The entire county.

Seminole County. The entire county.

Volusia County. That portion of the county beginning at the junction of the north boundary line of sec. 19, T. 18 S., R. 30 E. and the St. Johns River, thence extending east along the north boundary line of secs. 19, 20, 21, 22, 23, and 24 of T. 18 S., R. 30 E., and secs. 21, 22, 23, and 24, T. 18 S., R. 30 E., to the junction of the eastern right-of-way of Interstate Highway 4, thence north along said right-of-way to the junction of the north boundary line of T. 18 S., thence east along said boundary line to the junction of the east boundary line of R. 32 E., thence south along said range line to the junction of the St. Johns River, thence west and north along said river to the point of beginning.

GEORGIA

(1) Generally infested areas.
 Baker County. The entire county.
 Ben Hill County. The entire county.
 Chattahoochee County. The entire county.

Clay County. The entire county.
 Colquitt County. The entire county.
 Crisp County. The entire county.
 Decatur County. The entire county.
 Dooly County. The entire county.
 Dougherty County. The entire county.
 Early County. The entire county.
 Grady County. The entire county.
 Harris County. The entire county.

Irwin County. That portion of the county lying within Georgia Militia Districts 1643, 1388, 1661, 901, 1662, 1670, 1529, and 1421.

Lee County. The entire county.
 Macon County. The entire county.
 Marion County. The entire county.
 Meriwether County. The entire county.
 Miller County. The entire county.
 Mitchell County. The entire county.
 Muscogee County. The entire county.
 Pulaski County. The entire county.
 Quitman County. The entire county.

Randolph County. The entire county.
 Schley County. The entire county.
 Stewart County. The entire county.
 Sumter County. The entire county, excluding Georgia Militia Districts 884 and 759.
 Talbot County. The entire county.
 Taylor County. The entire county.
 Terrell County. The entire county.
 Thomas County. The entire county.
 Troup County. The entire county.
 Turner County. The entire county.
 Webster County. That portion of the county lying within Preston Georgia Militia District 978 and Slaughter Creek Georgia Militia District 1105.

Wilcox County. The entire county.
 Worth County. The entire county.
 (2) Eradication areas.

Baldwin County. That portion of the county lying west of the Central of Georgia Railroad, including the city of Milledgeville.

Bibb County. The entire county.

Bleckley County. The entire county.

Brantley County. That portion of the county lying within the Schlatterville Georgia Militia District 590.

Bryan County. The entire county.

Bulloch County. That portion of the county lying within Georgia Militia Districts 1803, 1340, 47, and 1523.

Butts County. That portion of the county lying within Buttrill Georgia Militia District 615 and Jackson Georgia Militia District 612.

Calhoun County. That portion of the county lying west of Ichawaynochaway Creek.

Chatham County. The entire county.

Clayton County. The entire county.

Coffee County. That portion of the county lying within Broxton Georgia Militia District 1127, Ambrose Georgia Militia District 1556, Douglas Georgia Militia District 748, and Bridgetown Georgia Militia District 1804.

Crawford County. That portion of the county lying in Tabor Georgia Militia District 529.

De Kalb County. The entire county.

Dodge County. The entire county.

Effingham County. The entire county.

Evans County. That portion of the county lying within Daisy Georgia Militia District 401.

Fayette County. That portion of the county lying within Georgia Militia Districts 1293, 538, 496, 1262, 1248, 549, and 709.

Fulton County. That portion of the county lying in the corporate limits of Hapeville, College Park, East Point, and Atlanta; that portion of the county lying north of the corporate limits of Atlanta to the Chattahoochee River; and that portion of the county lying within Georgia Militia Districts 1204, 1725, 499, 479, and 1762.

Gwinnett County. That portion of the county lying south and west of Georgia Highway 120 and Georgia Highway 124, including all of the area in the corporate limits of Snellville, Lawrenceville, and Duluth.

Henry County. The entire county.

Houston County. The entire county.

Jeff Davis County. That portion of the county lying within Ocmulgee Georgia Militia District 1622 and Whitehead Georgia Militia District 1620.

Jones County. The entire county.

Lamar County. The entire county.

Laurens County. The entire county.

Liberty County. The entire county.

Monroe County. That portion of the county lying in Georgia Militia Districts 473 and 618, and Georgia Militia Districts 523 and 632.

Peach County. That portion of the county lying in Fort Valley Georgia Militia District 1813 and Myrtle Georgia Militia District 1815.

Pierce County. The entire county.

Pike County. The entire county.

Richmond County. That portion of the county lying north of Butler Creek.

Rockdale County. That portion of the county lying south of Interstate Highway 20, including the corporate limits of Conyers.

Seminole County. The entire county.

Spalding County. The entire county except Georgia Militia District 490.

Telfair County. The entire county.

Tift County. The entire county.

Twiggs County. That portion of the county lying within McDonald Georgia Militia District 356, Hammock Georgia Militia District 1322, Smith Georgia Militia District 355, Pearson Georgia Militia District 323, and Jeffersonville Georgia Militia District 325.

Upson County. The entire county.

Ware County. That portion of the county lying within Haywood Georgia Militia District 1030, James-Town Georgia Militia District 1372, Waresboro Georgia Militia District 451, Waycross Georgia Militia District 1231, and Braganza Georgia Militia District 1404.

Wheeler County. That portion of the county lying within Erick Georgia Militia District 1450.

LOUISIANA

(1) Generally infested areas.

Acadia Parish. The entire parish.

Allen Parish. The entire parish.

Ascension Parish. The entire parish.

Assumption Parish. The entire parish.

Avoyelles Parish. The entire parish.

Beauregard Parish. The entire parish.

Calcasieu Parish. The entire parish.

Cameron Parish. The entire parish.

East Baton Rouge Parish. The entire parish.

East Feliciana Parish. The entire parish.

Evangeline Parish. The entire parish.

Iberia Parish. The entire parish.

Iberville Parish. The entire parish.

Jefferson Parish. The entire parish.

Jefferson Davis Parish. The entire parish.

Lafayette Parish. The entire parish.

Lafourche Parish. The entire parish.

Livingston Parish. The entire parish.

Orleans Parish. The entire parish.

Plaquemines Parish. The entire parish.

Pointe Coupee Parish. The entire parish.

St. Bernard Parish. The entire parish.

St. Charles Parish. The entire parish.

St. Helena Parish. The entire parish.

St. James Parish. The entire parish.

St. John the Baptist Parish. The entire parish.

St. Landry Parish. The entire parish.

St. Martin Parish. The entire parish.

St. Mary Parish. The entire parish.

St. Tammany Parish. The entire parish.

Tangipahoa Parish. The entire parish.

Terrebonne Parish. The entire parish.

Vermilion Parish. The entire parish.

Washington Parish. The entire parish.

West Baton Rouge Parish. The entire parish.

West Feliciana Parish. The entire parish.

(2) Eradication areas.

Bienville Parish. That portion of the parish lying west of the east line of R. 9 W., and that portion of the parish lying in T. 18 N. west of the east line of R. 7 W.

Bossier Parish. The entire parish.

Caddo Parish. The entire parish.

Caldwell Parish. The entire parish.

Catahoula Parish. The entire parish.

Concordia Parish. The entire parish.

De Soto Parish. That portion of the parish lying north of the south line of T. 14 N., and east of the west line of R. 15 W.

East Carroll Parish. The entire parish.

Franklin Parish. The entire parish.

Grant Parish. That portion of Grant Parish lying south of the north line of T. 6 N., and east of the west line of R. 1 W.

Jackson Parish. That portion of the parish lying north of the south line of T. 15 N., and east of the west line of R. 1 W.

La Salle Parish. The entire parish.
Lincoln Parish. T. 18 N., Rs. 1 and 2 W.
Madison Parish. The entire parish.
Morehouse Parish. The entire parish.
Ouachita Parish. The entire parish.
Rapides Parish. The entire parish.
Red River Parish. That portion of the parish lying west of the east line of R. 10 W.
Richland Parish. The entire parish.
Sabine Parish. That portion of the parish lying south of the north line of T. 4 N., and west of the east line of R. 12 W.
Tensas Parish. The entire parish.
Union Parish. The entire parish.
Vernon Parish. That portion of the parish lying within Tps. 1 and 2 S. and Tps. 1 and 2 N. west of the east line of R. 8 W.; and that portion of the parish lying in T. 3 N. west of the east line of R. 11 W.
Webster Parish. That portion of the parish lying south of the north line of T. 19 N.
West Carroll Parish. The entire parish.

MISSISSIPPI

(1) Generally infested areas.
Adams County. The entire county.
Amite County. The entire county.
Calhoun County. Tps. 12 and 13 S., R. 1 E. and that portion of the county south of the south lines of T. 13 S., and T. 24 N.
Chickasaw County. The entire county.
Choctaw County. The entire county.
Clarke County. The entire county.
Clay County. The entire county.
Copiah County. The entire county.
Covington County. The entire county.
Forrest County. The entire county.
George County. The entire county.
Greene County. The entire county.
Grenada County. NE $\frac{1}{4}$ T. 22 N., R. 7 E.; and SE $\frac{1}{4}$ T. 23 N., R. 7 E.
Hancock County. The entire county.
Harrison County. The entire county.
Hinds County. The entire county.
Itawamba County. That portion of the county lying south of the north line of T. 8 S.
Jackson County. The entire county.
Jasper County. The entire county.
Jefferson County. That portion of the county lying west of the west line of R. 3 E.
Jefferson Davis County. The entire county.
Jones County. The entire county.
Kemper County. The entire county.
Lamar County. The entire county.
Lauderdale County. The entire county.
Lawrence County. The entire county.
Leake County. That portion of the county south of the south line of T. 12 N.
Lee County. That portion of the county lying south of the north line of T. 8 S.
Lincoln County. The entire county.
Lowndes County. The entire county.
Madison County. The entire county.
Marion County. The entire county.
Monroe County. The entire county.
Neshoba County. The entire county.
Newton County. The entire county.
Noxubee County. The entire county.
Oktibbeha County. The entire county.
Pearl River County. The entire county.
Perry County. The entire county.
Pike County. The entire county.
Rankin County. The entire county.
Scott County. The entire county.
Simpson County. The entire county.
Smith County. The entire county.
Stone County. The entire county.
Walsh County. The entire county.
Wayne County. The entire county.
Webster County. The entire county.
Wilkinson County. The entire county.
Winston County. The entire county.
(2) Eradication areas.
Attala County. N $\frac{1}{2}$ T. 14 N., R. 6 E.; S $\frac{3}{4}$ T. 15 N., R. 6 E.; N $\frac{1}{2}$ T. 13 N., R. 7 E.; Tps. 14

and 15 N., R. 7 E.; SE $\frac{1}{4}$ and N $\frac{1}{2}$ T. 15 N., R. 9 E.; and S $\frac{3}{4}$ T. 16 N., R. 9 E.
Clatsop County. That portion of the county lying west of the west line of R. 3 E.
Franklin County. T. 6 N., Rs. 1, 2, 3, 4, and 5 E.; T. 7 N., R. 5 E.; and those portions of Tps. 6 and 7 N., R. 6 E., lying in Franklin County.
Issaquena County. That portion of T. 17 N., R. 3 E., lying in Issaquena County; that portion of the county south of the south line of T. 12 N., and west of the west line of R. 7 W., and that portion of T. 12 N., R. 7 W., lying in Issaquena County.
Pontotoc County. That portion of the county south of the south line of T. 9 S. and east of the east line of R. 1 E., including all of the area in the corporate limits of the city of Pontotoc.
Sharkey County. The entire county.
Warren County. Those portions of Tps. 15, 16, 17, and 18 N., Rs. 1 and 2 E., and those portions of Tps. 15, 16, and 17 N., Rs. 3 and 4 E., lying in the county.
Washington County. The entire county.
Yazoo County. Those portions of T. 9 N., Rs. 1 and 2 W., T. 10 N., R. 2 E., and S $\frac{1}{2}$ T. 11 N., Rs. 2 and 3 E. lying in Yazoo County; and that portion of the county west of the west line of R. 4 W. and north of the Yazoo River.

SOUTH CAROLINA

(1) Generally infested areas.
Berkeley County. That portion of the county bounded by a line beginning at a point where Alternate U.S. Highway 17 intersects the Berkeley-Dorchester County line, and extending northeast along said highway to its junction with State Secondary Highway 9, thence east along said highway to its junction with State Secondary Highway 260, thence northeast along said highway to its junction with State Secondary Highway 395, thence east along an imaginary line to a point where the Seaboard Air Line Railroad intersects the West Branch of Cooper River, thence in a southerly direction along said river to its junction with the East Branch of Cooper River, thence northeast along said river to its junction with Quenby Creek, thence southeast along said creek to its intersection with State Secondary Highway 98, thence northeast along said highway to its junction with State Secondary Highway 133 at Huger, thence southeast along said highway to its intersection with the Berkeley-Charleston County line, thence in a southwesterly and northwesterly direction along said county line to the point of beginning.
Charleston County. That portion of the county bounded by a line beginning at a point where U.S. Highway 78 intersects the Charleston-Dorchester County line and extending northeast along said county line to its junction with the Charleston and Berkeley County line, thence south and east along said county line to its junction with Cooper River, thence in a southerly direction along said river to its junction with the Wando River, thence northeast along the Berkeley-Charleston County line to its junction with State Secondary Highway 1032, thence southeast along said highway to its junction with U.S. Highway 17 at Awendaw, thence in a westerly direction along said highway to its intersection with State Primary Highway 165, thence northwest along said highway to its intersection with the Charleston-Dorchester County line, thence along said county line to the point of beginning.
Dorchester County. That portion of the county bounded by a line beginning at a point where State Primary Highway 165 intersects the Charleston-Dorchester County line and extending northeast along said highway to its intersection with the southern boundary of the corporate limits of Summerville, thence northeast along said corporate

limits to its intersection with the Charleston-Dorchester County line, thence in a southeasterly, southerly and westerly direction along said county line to the point of beginning.

Horry County. That portion of the county bounded by a line beginning at a point where U.S. Highway 17 intersects the Intracoastal Waterway, thence southwest along said waterway to its junction with the Horry-Georgetown County line at Bull Creek, thence north along the county line to its intersection with U.S. Highway 701, thence northeast along said highway to its junction with State Secondary Highway 237, thence northwest along said highway to its junction with State Secondary Highway 24, thence north along said highway to its junction with State Secondary Highway 97, thence east along said highway to its junction with State Secondary Highway 139, thence southeast along said highway to its junction with State Secondary Highway 66, thence north along said highway to its intersection with State Primary Highway 9, thence east and southeast along said highway to its junction with U.S. Highway 17, thence southeast along said highway to the point of beginning.

Jasper County. That portion of the county bounded by a line beginning at a point where State Primary Highway 119 intersects the Savannah River, thence extending northeast along said highway to its intersection with State Secondary Highway 119, thence southeast along said highway to the town limits of Tillman, thence along the west boundary of said town limits to its intersection with U.S. Highway 321, thence south along said highway to its intersection with the town limits of Hardeeville, thence, in sequence, along the western, southern and eastern boundary of said town to Secondary Highway 141, thence northeast along said road to its intersection with New River, thence south along said river to the Atlantic Ocean, thence southwest to a point where the Savannah River enters the Atlantic Ocean, thence northwest along said river to the point of beginning.

Orangeburg County. That portion of the county bounded by a line beginning at a point where U.S. Highway 21 intersects the Orangeburg-Calhoun County line, and extending in a southeasterly direction along said county line to its intersection with Four Hole Swamp, thence southeast along said swamp to its intersection with U.S. Highway 301, thence east along U.S. Highway 301 to its intersection with U.S. Highway 176, thence in a southeasterly direction along U.S. Highway 176 to its intersection with State Primary Highway 121, thence in a southwesterly direction along said highway to its intersection with Interstate Highway 26, thence southeast along said highway to its intersection with the Orangeburg-Dorchester County line, thence along said county line in a southwesterly direction to its intersection with U.S. Highway 78, thence northwest along U.S. Highway 78 to its intersection with Branchville city limits, thence along the northern boundary of said city to State Secondary Highway 63, thence northwest along said highway to its intersection with U.S. Highway 601, thence northeasterly along said highway to its intersection with the extension of U.S. Highway 376, thence in a northwesterly direction along this extension and U.S. Highway 376 to its junction with State Secondary Highway 74, thence in a northeasterly direction along said highway to its junction with U.S. Highway 178, thence in a southeasterly direction along said highway to its junction with State Secondary Highway 61, thence in a northerly direction along said highway to its junction with the Calhoun-Orangeburg County line, thence along said county line to the point of beginning.

(2) Eradication areas. None.

TEXAS

(1) *Generally infested areas.*

Bezar County. The entire county.
Hardin County. The entire county.
Harris County. The entire county.
Jasper County. The entire county.
Jefferson County. The entire county.
Liberty County. The entire county.
Montgomery County. The entire county.
Newton County. The entire county.
Orange County. The entire county.
Tyler County. The entire county.

(2) *Eradication areas.* None.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33, 7 U.S.C. 162, 150e. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 29 F.R. 16210, as amended; 7 CFR 301.81-2)

These administrative instructions shall become effective August 27, 1966, when they shall supersede P.P.C. 629, 7th Revision (7 CFR 301.81-2a), effective November 10, 1965.

The Director of the Plant Pest Control Division has determined that infestations of the imported fire ant exist or are likely to exist in the counties, parishes, other civil divisions, or parts thereof, listed above, or that it is necessary to regulate such localities because of their proximity to imported fire ant infestations or their inseparability for quarantine purposes from imported fire ant infested localities.

This revision adds to the regulated areas the entire county of Jefferson in Florida, and parts of the following previously non-regulated counties and parishes: Evans and Rockdale in Georgia; Bienville, De Soto, Jackson, Sabine, and Vernon in Louisiana; Grenada in Mississippi; and Horry in South Carolina. It also extends the regulated areas in 10 counties in Florida, 4 counties in Georgia, 3 parishes in Louisiana, and 4 counties in Mississippi. In addition, this revision transfers from the generally infested areas to the eradication areas, all or a portion of Lake, Orange, Seminole and Volusia Counties in Florida; and Dodge, Lamar, Laurens, Pike, Spalding, and Upson Counties in Georgia.

Inasmuch as this revision of the administrative instructions imposes restrictions necessary to prevent the spread of imported fire ants, it should be made effective promptly to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to such revision are impracticable and contrary to the public interest, and good cause is found for making this revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 23d day of August 1966.

[SEAL]

E. D. BURGESS,

Director,

Plant Pest Control Division.

[F.R. Doc. 66-9355; Filed, Aug. 26, 1966; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 176]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.476 Valencia Orange Regulation 176.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special

preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 25, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 28, 1966, and ending at 12:01 a.m., P.s.t., September 4, 1966, are hereby fixed as follows:

- (i) District 1: 125,000 cartons;
 - (ii) District 2: 375,000 cartons;
 - (iii) District 3: Unlimited movement.
- (2) As used in this section, "handler," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 26, 1966.

PAUL A. NICHOLSON,
 Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-9450; Filed, Aug. 26, 1966; 11:34 a.m.]

[Lemon Reg. 229]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.529 Lemon Regulation 229.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk) Department of Agriculture

[Milk Orders 61, 64]

PART 1061—MILK IN ST. JOSEPH, MO., MARKETING AREA

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA
Order Amending and Consolidating Orders

This order amends and consolidates under Part 1064 the order provisions of Parts 1061 (St. Joseph, Mo.) and 1064 (Greater Kansas City, Mo.), combines and expands the marketing areas defined under these two orders; and redefines and designates the new area as the Greater Kansas City marketing area. Because of the merger of the orders into Part 1064, Part 1061 is no longer appropriate and, therefore, is vacated and reserved for future reassignment to other programs.

§ 1064.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such amount not to exceed 3 cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk (including such handler's own production), (ii) other source milk allocated to Class I pursuant to § 1064.46(a) (3) and (7) and the corresponding steps of § 1064.46(b), and (iii) Class I milk disposed of from a partially regulated distributing plant (except a handler exempt pursuant to § 1064.60) on routes in the marketing area that exceeds Class I milk received during the month at such plants from pool plants and other order plants.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1966. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Associate Administrator, was issued June 30, 1966, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued August 10, 1966. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1966, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means, pursuant to the declared policy of the Act, of advancing the interests of producers as defined in the order as hereby amended;

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area; and

(4) Included in the amended order are the provisions of a base-excess plan which are approved by at least two-thirds of the producers who participated in a referendum in which each individual producer had one vote, and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the orders regulating the handling of milk in the St. Joseph, Mo., and Greater Kansas City

making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 23, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 28, 1966, and ending at 12:01 a.m., P.s.t., September 4, 1966, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 186,000 cartons;
- (iii) District 3: 2 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "Carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 25, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-9397; Filed, Aug. 26, 1966; 8:49 a.m.]

marketing areas shall be amended and consolidated into one order and the handling of milk in the consolidated marketing area (redefined as the Greater Kansas City marketing area) shall be in conformity to and in compliance with the terms and conditions of Part 1064 as hereby amended. Part 1061 is hereby revoked and Part 1064 is hereby amended as follows:

DEFINITIONS

Sec.
1064.1 Act.
1064.2 Secretary.
1064.3 Department.
1064.4 Person.
1064.5 Cooperative association.
1064.6 Greater Kansas City marketing area.

1064.7 Handler.
1064.8 Producer-handler.
1064.9 Producer.
1064.10 Distributing plant.
1064.11 Supply plant.
1064.12 Pool plant.
1064.13 Nonpool plant.
1064.14 Producer milk.
1064.15 Diverted milk.
1064.16 Other source milk.
1064.17 Fluid milk product.
1064.18 Route.
1064.19 Base milk and excess milk.

MARKET ADMINISTRATOR
Designation.
1064.21 Powers.
1064.22 Duties.

REPORTS, RECORDS, AND FACILITIES
1064.30 Reports of receipts and utilization.
1064.31 Payroll reports.
1064.32 Other reports.
1064.33 Records and facilities.
1064.34 Retention of records.

CLASSIFICATION

1064.40 Skim milk and butterfat to be classified.
1064.41 Classes of utilization.
1064.42 Shrinkage.
1064.43 Responsibility of handlers and reclassification of milk.
1064.44 Transfers.
1064.45 Computation of skim milk and butterfat in each class.
1064.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1064.50 Basic formula price.
1064.51 Class prices.
1064.52 Butterfat differentials to handlers.
1064.53 Location adjustments to handlers.
1064.54 Use of equivalent prices.

authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

§ 1064.3 Department.

"Department" means the U.S. Department of Agriculture.

§ 1064.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1064.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

§ 1064.6 Greater Kansas City marketing area.

"Greater Kansas City marketing area," hereinafter called "marketing area," means all the territory within the boundaries of the counties listed below, including territory within such boundaries occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments:

MISSOURI COUNTIES

Andrew.
Atchison.
Bates.
Buchanan.
Cass.
Clay.
Clinton.
Davies.
De Kalb.
Gentry.

KANSAS COUNTIES

Atchison.
Brown.
Clay.
Clond.
Dickinson.
Doniphan.

KANSAS COUNTIES—Continued
Lyon.
Marshall.
Miami.
Morris.
Nemaha.
Ottawa.
Pottawatomie.
Republic.
Riley.
Saline.
Shawnee.
Wabaunsee.
Washington.
Wyandotte.

§ 1064.7 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;
(b) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant or a pool supply plant for the account of such cooperative association;

(c) Any cooperative association with respect to the milk of its producers which is received by the cooperative from the farm for delivery to the pool plant of another handler in a tank truck owned or operated by or under contract to such cooperative association if the cooperative association, prior to delivery, notifies the market administrator in writing that it will be the handler for the milk. Such milk shall be considered to have been received at the location of the pool plant to which delivery is made;

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler, any person who operates an unregulated supply plant, or any person who operates an other order plant that is either a distributing plant or a supply plant; and

(f) A state educational institution which operates either a nonpool distributing plant or supply plant.

§ 1064.8 Producer-handler.

"Producer-handler" means a person who operates both a dairy farm and a distributing plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm of such person but from no other dairy farm;

(b) The butterfat or skim milk disposed of in the form of a fluid milk product does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm of such person and in the form of a fluid

milk product from pool plants of other handlers; and

(c) Such person shall furnish proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for the production of milk in his name and the operation of the processing and packaging business are the personal enterprise and risk of such person.

§ 1064.9 Producer.

"Producer" means any person (except a handler pursuant to § 1064.7(f), or a producer-handler as defined in any order (including this part) issued pursuant to the Act, or a person who is a producer of the same milk under the terms of another order issued pursuant to the Act) who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant or diverted pursuant to § 1064.15 from a pool plant to a nonpool plant.

§ 1064.10 Distributing plant.

"Distributing plant" means a plant from which a Grade A fluid milk product that is processed or packaged in such plant is disposed of during the month in the marketing area on routes.

§ 1064.11 Supply plant.

"Supply plant" means a plant from which a Grade A fluid milk product is shipped during the month to a pool plant.

§ 1064.12 Pool plant.

"Pool plant" means a plant (except a plant exempt pursuant to §§ 1064.60 or 1064.62) specified in paragraph (a) or (b) of this section:

- (a) A distributing plant from which during the month or the immediately preceding month:
- (1) Not less than 15 percent of the total Grade A fluid milk products received at such plant, including producer milk diverted to other plants pursuant to § 1064.15 by the handler operating such plant is disposed of in the marketing area on routes; and
- (2) Not less than the following percentage of the total Grade A fluid milk products received at such plant, including producer milk diverted to other plants pursuant to § 1064.15 by the handler operating such plant is disposed of on

routes: *Provided*, That the combined receipts and disposition of each handler who operates more than one distributing plant, each of which meets the performance requirement of subparagraph (1) of this paragraph, shall be used in determining the percentages specified in this subparagraph:

- (i) April through June, 35 percent;
- (ii) September and October, 50 percent; and
- (iii) All other months, 45 percent.

(b) A supply plant from which during the month the volume of Grade A fluid milk products shipped to and received at pool plants pursuant to paragraph (a) of this section and/or disposed of in the marketing area, as Class I on routes is not less than 50 percent of the volume of Grade A milk received from dairy farmers at such plant (including receipts from a handler pursuant to § 1064.7(c) except receipts of diverted milk pursuant to § 1064.15): *Provided*, That any supply plant which is a pool plant by reason of meeting the required percentages of this paragraph during 4 of the 5 months of September through January shall be pooled for the following months of February through August if the required percentages pursuant to this paragraph are not met, unless such operator requests the market administrator in writing that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

§ 1064.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

- (a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.
- (b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.
- (c) "Partially regulated distributing plant" means a nonpool plant (except the plant of a handler pursuant to § 1064.7(f), an other order plant, or a

producer-handler plant) from which Grade A fluid milk products in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and which is not an other order plant, a producer-handler plant, or a plant of a handler pursuant to § 1064.7(f).

§ 1064.14 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk:

- (a) Received at a pool plant directly from a producer or a handler pursuant to § 1064.7(c);
- (b) Diverted subject to the provisions of § 1064.15 from a pool plant to a pool supply plant or to a nonpool plant other than an other order plant; or
- (c) Received by a cooperative association handler pursuant to § 1064.7(c) from producers in excess of the quantity delivered to pool plants.

§ 1064.15 Diverted milk.

"Diverted milk" means producer milk that is normally received at a pool distributing plant but which is moved directly from a dairy farm to a nonpool plant or to a pool supply plant for the account of a handler operating a pool distributing plant or a handler pursuant to § 1064.7(b). Such milk shall be deemed to have been received by the diverting handler at the location of the pool plant from which diverted except that milk diverted to a plant located more than 125 miles by the shortest highway distance as determined by the market administrator from the nearest of the City Halls of Kansas City, Mo., or Topeka, Kans., shall be deemed to have been received at the location of the plant to which diverted in applying §§ 1064.53 and 1064.81. The diversion of producer milk from a pool plant to a nonpool plant or a pool supply plant is subject to the following conditions:

- (a) A handler pursuant to § 1064.7(b) may divert for its account without limit during the other days of the month the milk of any member producer whose milk is received at a pool distributing plant for at least 6 days' production during the month. The total quantity of milk so diverted may not exceed 25 percent in

each of the months of July through December and 50 percent in each of the months of January through June of its member producer milk received at all pool distributing plants during the month;

(b) A handler in his capacity as the operator of a pool distributing plant may divert for his account the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to paragraph (a) of this section, whose milk is received at his pool distributing plant for at least 6 days production during the month, without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 25 percent in each of the months of July through December and 50 percent in each of the months of January through June of the milk received at such plant during the month from producers who are not members of a cooperative association which has diverted milk pursuant to paragraph (a) of this section; and

(c) Diversions in excess of the applicable percentages pursuant to paragraphs (a) and (b) of this section shall first be assigned to diversions to nonpool plants and any excess quantity assigned to nonpool plants shall not be producer milk and shall not be deemed to have been received by the diverting handler. The diverting handler shall specify the dairy farmers whose milk shall not be included as producer milk pursuant to this paragraph. Excess diversions to a pool supply plant shall be producer milk at the supply plant in applying §§ 1064.12, 1064.53, and 1064.81.

§ 1064.16 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

- (a) Receipts during the month of fluid milk products except:
 - (1) Producer milk;
 - (2) Fluid milk products received from other pool plants;
 - (3) Fluid milk products in inventory at the beginning of the month; and
 - (4) Sterilized cream received and disposed of in the same hermetically sealed container; and

Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by each handler by audit or such other investigation as may be necessary, of such handler's records and facilities and of the records and facilities of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 1064.30 through 1064.32,

(2) Maintained adequate records and facilities pursuant to § 1064.33, or

(3) Made payments pursuant to §§ 1064.80 through 1064.86;

(i) On or before the 14th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from such cooperative association in its capacity as a handler pursuant to § 1064.7(c) and directly from members of such cooperative association. For the purpose of this report, the milk so received shall be proportioned to each class in proportion to the utilization by such handler in each class remaining after the allocation pursuant to § 1064.46(a) (1) through (9) and the corresponding steps of § 1064.46(b);

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum prices for Class I milk pursuant to § 1064.51(a) and the Class I butterfat differential pursuant to § 1064.52, both for the current month; and on or before the 5th day of each month the minimum prices for Class II milk pursuant to § 1064.51(b) and Class

III milk pursuant to § 1064.51(c) and the Class II and Class III butterfat differentials pursuant to § 1064.52, all for the month immediately preceding; and

(2) On or before the 12th day of each month the applicable uniform prices computed pursuant to §§ 1064.71 and 1064.72 and the producer butterfat differential computed pursuant to § 1064.82, both applicable to milk delivered during the previous month;

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information;

(l) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1064.46(a) (8) and the corresponding step of § 1064.46(b), the market administrator shall estimate and publicly announce the combined utilization (to the nearest whole percentage) in Class II and Class III during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1064.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report;

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report; and

(o) On or before February 1 of each year in writing notify each producer who made deliveries of milk during the previous September through December and the handler receiving milk from such producer of the daily base established by such producer.

MARKET ADMINISTRATOR

§ 1064.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 1064.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) Administer its terms and provisions;

(b) Receive, investigate, and report to the Secretary complaints of violations;

(c) Make rules and regulations to effectuate its terms and provisions; and

(d) Recommend amendments to the Secretary.

§ 1064.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties, and conditioned upon the faithful performance of such duties in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 1064.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1064.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the

(b) Products (other than fluid milk products, cottage cheese and cottage cheese curd) from any source (including those produced at the plant) that are reprocessed, converted into or combined with another product in the plant during the month, and any disappearance of products other than fluid milk products not otherwise accounted for.

§ 1064.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, fortified milk or skim milk, reconstituted milk or skim milk, sweet or sour cream and any mixture of such cream and milk or skim milk (including such mixtures containing less than the required butterfat standard for cream but not including any cultured sour mixtures to which cheese or any food substance other than a milk product has been added in an amount not less than 3 percent by weight of the finished product) and concentrated (frozen or fresh) milk, flavored milk, or flavored milk drinks which are neither sterilized nor in hermetically sealed cans.

§ 1064.18 Route.

"Route" means a delivery either direct or through a distributing facility such as a distribution point, a plant store, a vendor or vending machine of a fluid milk product classified as Class I pursuant to § 1064.41(a) (1), other than a delivery to a pool plant or a nonpool plant.

§ 1064.19 Base milk and excess milk.

(a) "Base milk" means that producer milk received by a handler from a producer in each month of February through July that is not in excess of such producer's daily base computed pursuant to § 1064.65 multiplied by the number of days of production in the month that such milk was received by the handler.

(b) "Excess milk" means that producer milk received by a handler from a producer in each month of February through July that is in excess of base milk received from such producer in such month and shall include all milk received from a producer for whom no daily base can be computed pursuant to § 1064.65.

REPORTS, RECORDS AND FACILITIES

§ 1064.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, a handler pursuant to § 1064.7(c), and a handler pursuant to § 1064.7(f), shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

- (a) The receipts at each plant of milk from each producer, the average butterfat test, the pounds of butterfat contained therein, the number of days on which milk was received from such producer (for each of the months of February through July, the pounds of base and excess milk received from each producer) and the total quantity of milk and butterfat received from each handler pursuant to § 1064.7(c);
- (b) The quantities of skim milk and butterfat contained in (or used in the production of) fluid milk products received from other pool plants;
- (c) The quantities of skim milk and butterfat contained in receipts of other source milk;
- (d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;
- (e) The disposition of fluid milk products on routes wholly outside the marketing area;
- (f) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the month;
- (g) Such other information with respect to receipts and utilization as the market administrator may prescribe; and
- (h) Each handler specified in § 1064.7(d) who operates a partially regulated distributing plant shall report as required in this section, with receipts in Grade A milk reported in lieu of those in producer milk. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of in the marketing area as Class I milk on routes.

§ 1064.31 Payroll reports.

On or before the 23d day of each month, each handler except a producer-handler, a handler pursuant to § 1064.7

- (f), or a handler making payments pursuant to § 1064.61(b) shall submit to the market administrator his producer payroll (or in the case of a handler making payments pursuant to § 1064.61(a) his payroll for dairy farmers delivering Grade A milk) for receipts during the preceding month which shall show:

- (a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association including, for each month of February through July, such producer's deliveries of base milk and excess milk, and the number of days on which milk was received from such producer;
- (b) The amount of payment to each producer and cooperative association; and
- (c) The nature and amount of any deductions or charges involved in such payments.

§ 1064.32 Other reports.

- (a) Each producer-handler, each handler pursuant to § 1064.7(f), and each handler making payments pursuant to § 1064.61(b) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.
- (b) Each handler pursuant to § 1064.7(c) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 7th day after the end of each month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month and all other producer milk for which it is the handler. For each month of February through July, the quantity of producer milk that is base milk and excess milk shall also be reported.
- (c) Each handler who receives milk from producers, payment for which is to be made to a cooperative association pursuant to § 1064.80(c) shall report to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

- (1) On or before the 23rd day of the month, the total pounds of milk received during the first 15 days of the month;
- (2) On or before the 7th day after the end of the month;

- (i) The pounds per shipment, the total pounds of milk and the average butterfat test of milk received from such producer during the month;
- (ii) The amount or rate and nature of any deductions; and
- (iii) The amount of any payments due such producer pursuant to § 1064.80.

§ 1064.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

- (a) The receipts of producer milk and other source milk and the utilization of such receipts;
- (b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;
- (c) Payments to producers and cooperative associations; and
- (d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each month.

§ 1064.34 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15) (A) of the Act or in a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1064.40 Skim milk and butterfat to be classified.

- (a) The skim milk and butterfat required to be reported pursuant to § 1064.30 and § 1064.32(b) shall be classified by the market administrator pursuant to the provisions of §§ 1064.41 through 1064.46; and
- (b) If any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by the handler, the pounds of skim milk utilized or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1064.41 Classes of utilization.

Subject to the conditions set forth in §§ 1064.43 and 1064.44, the classes of utilization shall be as follows:

- (a) *Class I milk*. Class I milk shall be all skim milk and butterfat:
 - (1) Disposed of in the form of a fluid milk product except:
 - (i) Fluid milk products classified as Class III pursuant to paragraph (c) (2), (3), (4), and (5) of this section;
 - (ii) Fluid milk products which are fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and
 - (iii) Sterilized cream disposed of in the same hermetically sealed container in which received; and
 - (2) Not accounted for as Class II or Class III milk.
- (b) *Class II milk*. Class II milk shall be all skim milk and butterfat used to produce or added to cottage cheese and cottage cheese curd except cottage cheese and cottage cheese curd disposed of as livestock feed or dumped after prior notification to and opportunity for verification by the market administrator: *Provided*, That Class II classification shall not include the weight of water associated with nonfat milk solids (as computed pursuant to § 1064.40) used to fortify fluid milk products used to produce or added to cottage cheese or cottage cheese curd.

more than 400 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of Kansas City, Mo., or Topeka, Kans., except that cream so transferred may be classified as Class III, subject to such verification of alternate utilization as the market administrator may make, if notice is given to the market administrator prior to shipment and each container is labeled or tagged with a certificate by the transferor that such cream is sold as Grade C cream for manufacturing only.

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an order plant, a producer-handler plant, or the plant of a handler pursuant to § 1064.7(f), located not more than 400 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the city halls of Kansas City, Mo., or Topeka, Kans.; unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph.

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted pursuant to § 1064.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available together with the facilities of the plant, if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(1) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants,

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned in any class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1064.46(a) (8) and the corresponding step of § 1064.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1064.46(a) (3) and the corresponding step of § 1064.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1064.46(a) (7) or (8) and the corresponding steps of § 1064.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant, if such classification would change the classification of producer milk on the market or the classification of such other source milk received by the transferor handler during the month;

(b) As Class I milk if:

(1) Transferred from a pool plant in bulk or packaged form to a producer-handler;

(2) Transferred or diverted in bulk form from a pool plant to the plant of a handler pursuant to § 1064.7(f), unless the handler pursuant to § 1064.7(f) certifies that such milk is acquired for use in Class II or Class III products for research or educational purposes; and

(3) Transferred from a pool plant in packaged form to a nonpool plant that is neither an order plant nor a producer-handler plant;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an order plant, a producer-handler plant or the plant of a handler pursuant to § 1064.7(f), located

exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of milk in bulk tank lots from unregulated supply plants, exclusive of the quantity for which Class II or Class III utilization was requested by the handler;

(vi) Less 1.5 percent of milk in bulk tank lots transferred from pool plants to other plants; and plus

(vii) In the case of milk received by a cooperative in its capacity as a handler pursuant to § 1064.7 (b) and (c) 0.5 percent of such receipts from producers as determined by farm tests and weights measured by farm bulk tank calibrations, unless the exception in subparagraph (7) (iii) of this paragraph applies; and

(8) Skim milk and butterfat in shrinkage allocated pursuant to § 1064.42 (2).

§ 1064.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between receipts of skim milk and butterfat in:

(1) The net quantity of producer milk and other milk specified in § 1064.41(c) (7); and

(2) Bulk fluid milk products in other source milk exclusive of that specified in § 1064.41(c) (7).

§ 1064.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1064.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(c) *Class III milk.* Class III milk shall be:

(1) Skim milk and butterfat used to produce:

(i) Any product other than those products designated as Class I or Class II pursuant to paragraphs (a) and (b) of this section; and

(ii) Cottage cheese and cottage cheese curd which is disposed of as livestock feed or dumped after prior notification to and opportunity for verification by the market administrator;

(2) Skim milk and butterfat delivered in bulk (not including consumer-type packages or dispenser units) to and used at commercial food establishments in the manufacture of processed foods for human consumption off the premises, bakery products or candy;

(3) Skim milk and butterfat in fluid milk products disposed of for livestock feed;

(4) Skim milk and butterfat dumped after prior notification to and opportunity for verification by the market administrator;

(5) In the weight of fortified fluid milk products which is not classified as Class I pursuant to paragraph (a) (1) of this section or as Class II pursuant to paragraph (b) of this section;

(6) Skim milk and butterfat in inventory of fluid milk products at the end of the month;

(7) Skim milk and butterfat, respectively, in shrinkage allocated pursuant to § 1064.42 (b) (1) but not in excess of:

(i) Two percent of producer milk, except that received from a handler pursuant to § 1064.7(c) or diverted pursuant to § 1064.15 to a nonpool plant;

(ii) Plus 1.5 percent of milk received in bulk tank lots from other pool plants;

(iii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1064.7(c) and receipts at a pool supply plant from a handler pursuant to § 1064.7(b), except that if the handler operating the pool plant files notice with the market administrator that the purchase of such milk is on the basis of farm tests and weights determined by farm bulk tank calibrations, the applicable percentage shall be 2 percent;

(iv) Plus 1.5 percent of milk received in bulk tank lots from other order plants,

beginning with Class III milk, the pounds of skim milk in inventory of fluid milk products at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (4) (i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (4) (ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated combined Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1064.22(m) or the percentage that combined Class II and Class III utilization remaining is of the total remaining utilization of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1064.44(a); and

(10) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section

skim milk classified as Class III pursuant to § 1064.41(c) (7);

(2) Subtract from the remaining pounds of skim milk in each class, the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract, in the order specified below, from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of fluid milk products from a handler pursuant to § 1064.7(f);

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II milk or Class III milk but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant;

(a) For which the handler requests Class II or Class III in series beginning with the requested class; or

(b) In series beginning with Class III, which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, and receipts from other pool plants, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II or Class III was requested by the operators of both plants in series beginning with the requested class;

(5) Subtract from the pounds of skim milk remaining in each class, in series

provides only two classes (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II or Class III to the extent of the Class II or Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I and milk allocated to the other class shall be classified as Class III; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1064.41.

§ 1064.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 1064.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1064.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III, the pounds of

next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk to the extent such utilization is available and then to Class III milk; and

(v) If any skim milk or butterfat is transferred or diverted to a second nonpool plant under this paragraph the same conditions of audit, classification, and allocation shall apply; and

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in Class I if allocated as a fluid milk product to Class I under the other order, in Class II if allocated to Class II under an order that provides three classes and in Class III if allocated to Class III under the other order or if allocated to Class II under an order that

(b) *Class II milk.* Multiply the butter price specified in § 1064.50 by 0.115.

(c) *Class III milk.* Multiply the butter price specified in § 1064.50 by 0.115.

§ 1064.53 Location adjustments to handlers.

(a) For milk received from producers at a plant located in Brown, Doniphan, or Nemaha Counties in the State of Kansas, or in Andrew, Atchison, Buchanan, Clinton, Daviess, De Kalb, Gentry, Holt, Nodaway, or Worth Counties in the State of Missouri which is classified as Class I milk or assigned location adjustment pursuant to paragraph (c) of this section, and for other source milk for which location adjustments are applicable, the Class I price shall be reduced by 10 cents.

(b) For milk received from producers at a pool plant located outside the marketing area and more than 50 miles but not more than 70 miles by shortest highway distance as measured by the market administrator, from the nearer of the City Halls in Kansas City, Mo., or Topeka, Kans., which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (c) of this section and for other source milk to which location adjustments are applicable, the price computed pursuant to § 1064.51(a) shall be reduced by 10 cents, and by an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 70 miles from such City Hall.

(c) For purposes of calculating such adjustment, bulk transfers between pool plants shall be assigned to the Class I disposition at the transferee plant proportioned with the sum of receipts at such plant of producer milk and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants.

§ 1064.54 Use of equivalent prices.

If for any reason a price specified by this part for computing class prices or for other purposes is not available in the manner described in this part, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is specified.

(b) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month; (iv) Less one-half cent, if necessary, to round down to the nearest whole cent.

(b) *Class II milk.* The Class II price shall be the Class III price plus 15 cents but shall not be less than the basic formula price for the month; and

(c) *Class III milk.* The Class III price shall be the basic formula price for the month, but not to exceed a price computed as follows:

(1) Multiply by 4.2 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago as reported by the Department during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

§ 1064.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1064.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the butter price specified in § 1064.50 by 0.12.

(2) Compute a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage."

Delivery period for which price applies	Delivery period used in computation	Percentages	
		Minimum	Maximum
January.....	October-November.....	132	140
February.....	November-December.....	133	141
March.....	December-January.....	131	139
April.....	January-February.....	126	134
May.....	February-March.....	124	132
June.....	March-April.....	128	136
July.....	April-May.....	138	146
August.....	May-June.....	145	151
September.....	June-July.....	144	152
October.....	July-August.....	128	136
November.....	August-September.....	124	132
December.....	September-October.....	124	132

(3) For a minus "net deviation percentage" the Class I price shall be increased and for a plus "net deviation percentage" the Class I price shall be decreased as follows:

(i) One-half cent times each such percentage point of net deviation; plus

(a) One-half cent times the lesser of:

(a) Each such percentage point of net deviation, or

(b) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One-half cent times the least of:

(a) Each such percentage point of net deviation;

tion into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1064.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest cent. However, for the purpose of computing the Class I price for each month from the effective date of this order through March 1967, the basic formula price shall not be less than \$4.

§ 1064.51 Class prices.

Subject to the provisions of §§ 1064.52 and 1064.53, and rounded to the nearest cent, the minimum class prices per hundredweight for the month shall be as follows:

(a) *Class I milk.* The Class I price shall be the basic formula price for the preceding month plus \$1.10 during each of the months of April through July, plus \$1.40 during all other months, and plus or minus a supply-demand adjustment of not more than 45 cents, computed as follows:

(1) Divide the amount computed pursuant to subdivision (i) of this subparagraph by the amount computed pursuant to subdivision (ii), multiply the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage."

(i) Add the total receipts of producer milk in the second and third months preceding.

(ii) Add the total gross volume of Class I milk at pool plants in the second and third months preceding, excluding interhandler transfers which duplicate Class I sales.

APPLICATION OF PROVISIONS

§ 1064.60 Exempt handlers.

Sections 1064.40 through 1064.46, 1064.50 through 1064.53, 1064.61, 1064.70, 1064.71, and 1064.80 through 1064.88 shall not apply to a handler pursuant to § 1064.7(f), a producer-handler, or to a handler operating a plant from which less than an average of 600 pounds of Class I milk per day is distributed on routes in the marketing area.

§ 1064.61 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant except a handler exempt pursuant to § 1064.60 shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1064.30(h) and 1064.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

- (a) An amount computed as follows:
 - (1) (i) The obligation that would have been computed pursuant to § 1064.70 shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1064.70(e) and a credit in the amount specified in § 1064.84(a) (2) (ii) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

- (ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1064.30(h) and 1064.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1064.12(b) with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

- (2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

- (b) An amount computed as follows:
 - (1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

- (2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

- (3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

- (4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price).

§ 1064.62 Plants subject to other Federal orders.

The provisions of this part shall not apply to any plant which meets the requirements of paragraph (a), (b), or (c) of this section, except that the handler operating such plant shall with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1064.30 through 1064.32) and allow verification of such reports by the market administrator:

- (a) A distributing plant qualified pursuant to § 1064.12 which also meets the pooling requirements of another Federal order and a greater volume of fluid milk products was disposed of during the month on routes in such other marketing area and to pool plants qualified on the basis of route distribution in such other marketing area than was so disposed of in this marketing area except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its fluid product disposition is made in the above described manner in such other marketing area, unless, notwithstanding the provisions of this paragraph, it is regulated under such other order.

- (b) A distributing plant qualified pursuant to § 1064.12 which also meets the pooling requirements of another Federal order and a greater volume of fluid milk products was disposed of during the month on routes in this marketing area and to pool plants qualified on the basis of route distribution in this marketing area than was so disposed of in such other Federal order marketing area but that plant is, nevertheless, fully regulated under such other Federal order.

- (c) A supply plant meeting the requirements of § 1064.12, which also meets the pooling requirements of another Federal order, from which greater direct marketing area route disposition and qualifying shipments are made to plants regulated under such other order than are made in this marketing area on

routes and to plants regulated under this part, except that during the months of February through August if the operator of such plant gives written notification to the market administrator on or before the 1st day of any such month that he elects to maintain automatic pool status for such plants under this part for the month and each subsequent month through August.

DETERMINATION OF BASE

§ 1064.65 Computation of daily base for each producer.

The daily base for each producer applicable during each month of February through July, inclusive, shall be determined by the market administrator as follows: Divide the total pounds of milk received by a handler at a pool plant from such producer during the immediately preceding months of September through December by the number of days during such period on which milk was received from such producer or by 90 whichever is greater. In the case of producers delivering milk to a plant which first became a pool plant during or after the end of the base-forming period, the daily average base for each producer at such plant shall be that which would have been calculated for such producer for the entire base-forming period if the handler's plant had been a pool plant during such period.

§ 1064.66 Daily base rules.

- (a) Except as provided in paragraph (b) of this section, a daily base shall apply only to milk produced by the producer in whose name such milk was delivered to the handler(s) during the base forming period.

- (b) A producer may transfer his daily base during the period of February through July by notifying the market administrator in writing before the last day of any delivery period that such base is to be transferred to the person named in such notice but under the following conditions only:

- (1) In the event of the death or entry into military service of a producer, the entire daily base may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm; and

(2) If a base is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders the entire daily base may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy operations.

DETERMINATION OF UNIFORM PRICE

§ 1064.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler (as described in § 1064.7 (a), (b), and (c)) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1064.46(c), by the applicable class prices (adjusted pursuant to §§ 1064.52 and 1064.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1064.46(a) (10) and the corresponding step of § 1064.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class III price for the preceding month:

(1) The Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1064.46(a) (5) and the corresponding step of § 1064.46(b); and

(2) The Class II price for the current month by the hundredweight of skim milk and butterfat subtracted from Class II pursuant to § 1064.46(a) (5) and the corresponding step of § 1064.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1064.46(a) (3) and the corresponding step of § 1064.46(b); and

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, with respect to skim milk and butterfat subtracted from Class I pursuant to

§ 1064.71 Computation of uniform price.

For each month the market administrator shall compute the "uniform price" per hundredweight of milk received from producers (or "weighted average price") as follows:

(a) Combine into one total the values computed pursuant to § 1064.70 for all handlers who filed the reports prescribed by §§ 1064.30 and 1064.32(b) for the month and who made the payments pursuant to §§ 1064.80 and 1064.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1064.81;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1064.82 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1064.70 (e); and

(f) Subtract not less than four cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price" and for the months of August through January shall be the "uniform price" for milk received from producers.

§ 1064.72 Computation of uniform prices for base milk and excess milk.

For each month of February through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk as follows:

(a) Subtract from the amount resulting from the computations made pursuant to paragraphs (a) through (d) of § 1064.71 an amount computed by multiplying the weighted average price times the hundredweight of milk specified in § 1064.71(e) (2);

(b) Determine the value of excess milk by multiplying the hundredweight of producer milk determined to be excess milk in series beginning with Class III by the respective class prices for milk of 3.5 percent butterfat content, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers;

(d) Subtract the value of excess milk obtained in paragraph (b) of this section from the aggregate value of milk obtained in paragraph (a) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of producer milk determined to be base milk; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content received from producers.

PAYMENTS

§ 1064.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) or (d) of this section, at not less than the applicable uniform price(s) pursuant to § 1064.71 or § 1064.82, adjusted by the butterfat differential computed pursuant to § 1064.82, subject to the location adjustment to producers pursuant to § 1064.81, and less the following amounts: (1) the

payments made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 1064.87, and (3) any deductions authorized by the producer: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1064.85 he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month to each producer (1) for whom payment is not received from the handler by a cooperative association pursuant to paragraphs (c) and (d) of this section; and (2) who had not discontinued shipping milk to such handler before the 18th day of the month, a partial payment with respect to milk received from such producer during the first 15 days of the month at the approximate value of such milk, not to be less than the Class III price for 3.5 percent milk for the preceding month, without deduction for hauling.

(c) To a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment as follows:

(1) On or before the 20th day of the month, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (b) of this section less any deductions authorized in writing by such cooperative association;

(2) On or before the 14th day after the end of each month an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a) of this section, less proper deductions authorized in writing by such cooperative association.

(d) To a cooperative association with respect to milk for which such associa-

§ 1064.32 Producer butterfat differential.

In making payments pursuant to § 1064.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.5 percent, respectively, an amount computed by adding 4 cents to the butter price specified in § 1064.50 dividing the resulting sum by 10, and rounding to the nearest one-tenth cent.

§ 1064.33 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all funds received pursuant to paragraph (a) of this section and out of which he shall make all payments required pursuant to paragraph (b) of this section.

(a) Payments made by handlers pursuant to § 1064.61 (a) and (b), and §§ 1064.84 and 1064.86.

(b) Payments due handlers pursuant to §§ 1064.85 and 1064.86: *Provided*, That payments due any handler shall be offset by payments due from such handler pursuant to §§ 1064.61, 1064.84, 1064.86, 1064.87 and 1064.88.

§ 1064.34 Payments to the producer-settlement fund.

(a) On or before the 14th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in subparagraph (1) of this paragraph exceed the amounts specified in subparagraph (2) of this paragraph.

(1) The total of the net pool obligation computed pursuant to § 1064.70 for such handler; and

(2) The sum of:
(i) The amount required to be paid to producers (including payments to producers through cooperative associations) pursuant to § 1064.80 before deductions authorized by the producer or cooperative association or for marketing services pursuant to § 1064.87; and
(ii) The value at the weighted average price(s) applicable at the location of the plant(s) from which received (not

to be less than the Class III price) with respect to other source milk for which a value is computed pursuant to § 1064.70(e).

(b) During each month of February through July each handler pursuant to § 1064.7(c), on or before the 14th day after the end of the month, shall pay to the market administrator the amount, if any, by which the total amounts specified in subparagraph (1) of this paragraph exceed the amounts specified in subparagraph (2) of this paragraph:

(1) The total value of such association's member producer milk at the applicable weighted average price computed pursuant to § 1064.71; and

(2) The total value of such association's member producer base and excess milk at the applicable uniform base and excess prices computed pursuant to § 1064.72.

§ 1064.35 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1064.84 (a) (2) or (b) (2) exceeds the amount computed pursuant to § 1064.84 (a) (1) or (b) (1). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payment and shall complete such payments as soon as the necessary funds are available.

§ 1064.36 Adjustment of accounts.

(a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due the market administrator or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of the amount due and payment therefor shall be made within 5 days if such amount is due the market administrator, or on or before the next date for making payments to producers or a cooperative association, if such amount is due them. Whenever in such audit discloses errors resulting in moneys due such handler from the mar-

ket administrator, payment shall be made within 5 days.

(b) *Overdue accounts.* Any unpaid obligation of a handler pursuant to §§ 1064.80, 1064.84, 1064.86(a), 1064.87, and 1064.88 shall be increased one-half of 1 percent on the 1st day of the month next following the due date of such obligation and on the 1st day of each month thereafter until such obligation is paid.

§ 1064.37 Marketing service.

(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself pursuant to § 1064.80(a), shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the month, and shall pay such deductions to the market administrator on or before the 12th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from and to provide market information to such producers.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from the payments to be made directly to producers pursuant to § 1064.80(a), as are authorized by such producers, and on or before the 12th day after the end of each month, pay over such deductions to the association of which such producers are members, accompanied by a statement showing the amount of the deduction and the quantity of milk for which it was computed for each such producer.

§ 1064.38 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 12th day after the end of the month 3 cents per hundredweight, or such lesser amount as the Secretary may prescribe, of (a) pro-

[Milk Order 73]

**PART 1073—MILK IN WICHITA,
KANS., MARKETING AREA**
**PART 1074—MILK IN SOUTHWEST
KANSAS MARKETING AREA**

Order Amending Order

§ 1073.0 Findings and determinations.
The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wichita, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity speci-

final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1064.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1064.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 1064.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date: September 1, 1966.

Signed at Washington, D.C., on August 24, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-9357; Filed, Aug. 26, 1966; 8:45 a.m.]

lowing the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15) (A) of the Act, a petition claiming such money.

**EFFECTIVE TIME, SUSPENSION, OR
TERMINATION**

§ 1064.90 Effective time.

The provisions of this part or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1064.91.

§ 1064.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1064.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part the

ducer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1064.46 (a), (3) and (7) and the corresponding steps of § 1064.46 (b), and (c) Class I milk disposed of from a partially regulated distributing plant (except by a handler exempt pursuant to § 1064.60) on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1064.89 Termination of obligation.

The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the handler in administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;
(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the 1st day of the calendar month fol-

fied in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to:

- (a) Producer milk (including that pursuant to § 1073.14(a)(3)) and such handler's own production;
- (b) Other source milk allocated to Class I milk pursuant to § 1073.46(a)(4) and (8) and the corresponding steps of § 1073.46(b); and
- (c) Class I milk disposed of from a partially regulated distributing plant with route disposition in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1966. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued June 29, 1966, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued August 10, 1966. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1966, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011)

(c) *Determinations.* It is hereby determined that:

- (1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;
- (2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the orders regulating the handling of milk in the Wichita, Kans. and Southwest Kansas, marketing areas shall be amended and consolidated into one order and the handling of milk in the consolidated marketing area (redefined as the Wichita, Kans., marketing area) shall be in conformity to and in compliance with the terms and conditions of Part 1073 as hereby amended. Part 1074 is hereby superseded by the revision of Part 1073 and Part 1073 is hereby amended as follows:

DEFINITIONS

Sec.	Act.
1073.1	Secretary.
1073.2	Department.
1073.3	Person.
1073.4	Cooperative association.
1073.5	Wichita, Kans., marketing area.
1073.6	Producer.
1073.7	Handler.
1073.8	Producer-handler.
1073.9	Distributing plant.
1073.10	Supply plant.
1073.11	Pool plant.
1073.12	Nonpool plant.
1073.13	Producer milk.
1073.14	Other source milk.
1073.15	Fluid milk product.
1073.16	Route disposition.
1073.17	Chicago butter price.
1073.18	

Sec.	MARKET ADMINISTRATOR
1073.20	Designation.
1073.21	Powers.
1073.22	Duties.
	RECORDS, REPORTS AND FACILITIES
1073.30	Reports of receipts and utilization.
1073.31	Payroll reports.
1073.32	Other reports.
1073.33	Records and facilities.
1073.34	Retention of records.

CLASSIFICATION

1073.40	Skim milk and butterfat to be classified.
1073.41	Classes of utilization.
1073.42	Assignment of shrinkage.
1073.43	Responsibility of handlers and reclassification of milk.
1073.44	Transfers.
1073.45	Computation of skim milk and butterfat in each class.
1073.46	Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1073.50	Basic formula price.
1073.51	Class prices.
1073.52	Handler butterfat differentials.
1073.53	Location differentials to handlers.
1073.54	Use of equivalent prices.

APPLICATION OF PROVISIONS

1073.60	Producer-handlers.
1073.61	Plants subject to other Federal orders.
1073.62	Obligations of handler operating a partially regulated distributing plant.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

1073.70	Computation of the net pool obligation of each pool handler.
1073.71	Computation of uniform prices.
1073.72	Notification of handlers.
1073.73	Overdue accounts.

PAYMENTS

1073.80	Time and method of payment.
1073.81	Butterfat differentials to producers.
1073.82	Location differentials to producers and on nonpool milk.
1073.83	Producer-settlement fund.
1073.84	Payments to the producer-settlement fund.
1073.85	Payments out of the producer-settlement fund.
1073.86	Adjustment of errors in payments.
1073.87	Expenses of services.
1073.88	Expense of administration.
1073.89	Termination of obligation.
	MISCELLANEOUS PROVISIONS
1073.90	Effective time.
1073.91	Suspension or termination.

Sec.	
1073.92	Continuing power and duty of the market administrator.
1073.93	Liquidation after suspension or termination.
1073.94	Agents.
1073.95	Separability of provisions.

AUTHORITY: The provisions of this Part 1073 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

DEFINITIONS

§ 1073.1	Act.
	"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).
§ 1073.2	Secretary.
	"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.
§ 1073.3	Department.
	"Department" means the U.S. Department of Agriculture.
§ 1073.4	Person.
	"Person" means any individual, partnership, corporation, association or any other business unit.
§ 1073.5	Cooperative association.
	"Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and
	(b) To be engaged in making collective sales, or marketing milk or its products for its members.
§ 1073.6	Wichita, Kans., marketing area.
	"Wichita, Kans., marketing area" hereinafter called the marketing area, means all the territory within the counties enumerated below, all within the State of Kansas, together with all territory within the boundaries so designated which is occupied by government (municipal, State or Federal) reservations or installations:

ZONE I

Barber.
Barton.
Butler.
Comanche.
Cowley.
Edwards.
Ellis.
Harper.
Harvey.
Klingman.
Klowa.

ZONE II

Clark.
Finney.
Ford.
Gove.
Grant.
Gray.
Greeley.
Hamilton.
Haskell.
Hodgeman.
Kearny.

§ 1073.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued in compliance with the Grade A inspection requirements of a duly constituted health authority and whose milk is:

- (a) Received at a pool plant; or
- (b) Diverted as producer milk pursuant to § 1073.14.

§ 1073.8 Handler.

"Handler" means:

- (a) Any person who operates a pool plant;
- (b) Any person who operates a partially regulated distributive plant;
- (c) Any cooperative association with respect to milk of its member producers which is diverted from a pool plant to a nonpool plant for the account of such association;
- (d) A cooperative association with respect to milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association if the cooperative association notifies the market administrator and the handler to whom the milk is delivered, in writing prior to the first day of the month in which the milk

is delivered, that it wishes to be the handler for the milk. In this case, the milk is received from producers by the cooperative association at the location of the plant to which it is delivered; and

- (e) A producer-handler, or any person who operates an other order plant described in § 1073.61.

§ 1073.9 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and the operator of a distributing plant, and who meets the qualifications specified in paragraphs (a) and (b) of this section:

- (a) Receipts of fluid milk products at his plant are solely milk of his own production, from pool plants of other handlers, and packaged fluid milk products from other order plants; and

- (b) The maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 1073.10 Distributing plant.

"Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which during the month route disposition is made in the marketing area.

§ 1073.11 Supply plant.

"Supply plant" means a plant from which fluid milk products, acceptable to an appropriate health authority for distribution under a Grade A label, are shipped during the month to and physically received at a distributing plant.

§ 1073.12 Pool plant.

"Pool plant" means:

- (a) Any distributing plant, other than that of a producer-handler or one described in § 1073.61, which:

- (1) Disposes of through route disposition fluid milk products in an amount equal to 25 percent or more during the months of March through July and 35 percent during all other months of such plant's total receipts of Grade A milk direct from dairy farmers, supply plants and cooperative associations in their capacity as a handler pursuant to

§ 1073.8(d) and has route disposition in the marketing area in an amount equal to 10 percent or more of such receipts. In any case in which the entire quantity of fluid milk products disposed of in packages in a particular size and form is received in such packages from other plants, all such disposition shall be credited to the plant from which such packages were received and shall be deducted from the appropriate disposition of the receiving plant; or

- (2) Qualified as a pool plant in the immediately preceding month on the basis of the performance standards described in subparagraph (1) of this paragraph;

- (b) Any supply plant from which during the month 50 percent or more of the Grade A milk received from dairy farmers and cooperative associations in their capacity as a handler pursuant to § 1073.8(d) is shipped to a plant(s) described in paragraph (a) of this section. Any supply plant which has shipped to a plant(s) described in paragraph (a) of this section the required percentages of its receipts during each of the months of August through November shall be designated a pool plant in each of the following months of December through July unless the plant operator requests the market administrator in writing that such plant not be a pool plant. Such nonpool plant status shall be effective the first month following such notice and thereafter until the plant again qualifies as a pool plant on the basis of shipments; and

- (c) A plant which is operated by a cooperative association and 60 percent or more of the milk delivered during the current month by producers who are members of such association is delivered directly or is transferred by the association to pool plants as described in paragraphs (a) and (b) of this section, unless such a plant qualifies for the month as a "pool plant" under another order issued pursuant to the Act by delivering 50 percent or more of its Grade A receipts from dairy farmers to plants which qualified as "pool plants" under such other order.

§ 1073.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing

plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

- (a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act;

- (b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act;

- (c) "Partially regulated distributive plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant which has route disposition of fluid milk products labeled Grade A in consumer-type packages or dispenser units in the marketing area during the month; and

- (d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

§ 1073.14 Producer milk.

"Producer milk" shall be that skim milk and butterfat for each handler's account in the following milk from producers:

- (a) With respect to the operations of a pool plant:

- (1) Received directly from such producers;

- (2) Diverted by the operator of such pool plant to a nonpool plant, subject to the condition of paragraph (c) of this section; and

- (3) Which is received at such pool plant from a cooperative association in its capacity as a handler pursuant to § 1073.8(d), for all purposes other than those specified in paragraph (b) (2) (i) of this section;

- (b) With respect to receipts by a cooperative association in addition to those pursuant to paragraph (a) of this section:

- (1) For which such cooperative association is the handler pursuant to § 1073.8(c), subject to the condition of paragraph (c) of this section; and

- (2) For which the cooperative association is the handler pursuant to § 1073.8(d) to the following extent:

- (i) For purposes of reporting pursuant to §§ 1073.30(c) and 1073.31(a) and

making payments to producers pursuant to § 1073.80(a); and

(ii) For all purposes, with respect to any milk which is not delivered to the pool plant of another handler; and the pool plant of another handler; and

(c) For the purposes of location adjustments pursuant to §§ 1073.53 and 1073.82, milk diverted shall be priced at the location of the pool plant from which diverted.

§ 1073.15 Other source milk.

"Other source milk" means all the skim milk and butterfat contained in:

- (a) Receipts of fluid milk products during the month except:
- (1) Fluid milk products received from pool plants; and
- (2) Producer milk; and
- (b) Products, other than fluid milk products, cottage cheese curd and cottage cheese, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month and any disappearance of nonfluid milk products not otherwise accounted for.

§ 1073.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, concentrated milk disposed of for fluid consumption other than in hermetically sealed metal or glass containers, buttermilk, flavored milk, yogurt, milk drinks (plain or flavored) "modified or fortified," including "dietary milk products" and reconstituted milk or skim milk, sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of milk or skim milk and cream (except frozen or aerated cream, ice cream or frozen dessert mixes, eggnog and sterilized products packaged in hermetically sealed containers).

§ 1073.17 Route disposition.

"Route disposition" means any delivery of a fluid milk product from a distributing plant to a retail or wholesale outlet (including any delivery by a vendor, from a plant store or through a vending machine) except any delivery of a fluid milk product to any milk processing plant or to commercial food establishments pursuant to § 1073.41(c) (4).

§ 1073.18 Chicago butter price.

"Chicago butter price" means the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1073.20 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 1073.21 Powers.

The market administrator shall have the following powers with respect to this part:

- (a) To administer its terms and provisions;
- (b) To receive, investigate, and report to the Secretary complaints of violations;
- (c) To make rules and regulations to effectuate its terms and provisions; and
- (d) To recommend to the Secretary amendments thereto.

§ 1073.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

- (a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the Secretary;
- (b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;
- (c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;
- (d) Pay out of funds provided by § 1073.88 the cost of his bond and of the

bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1073.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who within 10 days after the date upon which he is required to perform such acts, has not:

- (1) Made reports pursuant to §§ 1073.30 through 1073.32; or
- (2) Made payments pursuant to §§ 1073.80 through 1073.88;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate and mail to each handler at his last known address the prices determined for each month as follows:

- (1) On or before the 5th day of each month the minimum price for Class I milk computed pursuant to § 1073.51 (a) and the Class I butterfat differential pursuant to § 1073.52 (a), both for the current month; and the minimum prices for Class II and Class III milk computed pursuant to § 1073.51 (b) and (c) and the Class II and Class III butterfat differentials pursuant to § 1073.52 (b) and (c), all for the previous month;
- (2) On or before the 12th day of each month the uniform price computed pursuant to § 1073.71 and the butterfat differential computed pursuant to § 1073.81, both for the previous month;

(j) Prepare and make available for the benefit of producers, consumers, and

handlers such general statistics and such information concerning the operations hereof as are appropriate to the purpose and functioning of this part and which do not reveal confidential information;

(k) On or before the 13th day of each month report to each cooperative association, which so requests, the percentage utilization of milk received from producers or from a cooperative association in its capacity as a handler pursuant to § 1073.8 (d) in each class by each handler who in the previous month received milk from members of such cooperative association;

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1073.46 (a) (9) and the corresponding step of § 1073.46 (b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1073.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

RECORDS, REPORTS, AND FACILITIES

§ 1073.30 Reports of receipts and utilization.

On or before the 8th day after the end of each month, reports for such month shall be made to the market ad-

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

- (1) Used to produce any product other than a fluid milk product or cottage cheese;
- (2) In fluid milk products or cottage cheese disposed of for livestock feed;
- (3) In fluid milk products or cottage cheese dumped after notification to and opportunity for verification as may be requested by the market administrator;
- (4) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;
- (5) Used to produce frozen cream;
- (6) In inventory of bulk fluid milk products on hand at the end of the month;
- (7) In that portion of "fortified" fluid milk products not classified as Class I milk pursuant to paragraph (a) (1) (i) of this section;
- (8) In shrinkage of skim milk and butterfat, respectively, assigned at each pool plant pursuant to § 1073.42(b) (1), but not to exceed the following:
 - (i) 2 percent of receipts of producer milk pursuant to § 1073.14(a) (1) and (2); plus
 - (ii) 1.5 percent of receipts of fluid milk products in bulk tank lots from other pool plants; plus
 - (iii) 1.5 percent of milk received from a cooperative association which is a handler for such milk pursuant to § 1073.8(d), except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage shall be 2 percent; plus
 - (iv) 1.5 percent of receipts of fluid milk products in bulk tank lots from an other order plant, exclusive of the quantity for which Class III milk (or Class II milk) utilization was requested by the operator of such plant and the handler; plus
 - (v) 1.5 percent of receipts of fluid milk products in bulk tank lots from unregulated supply plants, exclusive of the quantity for which Class III milk (or Class II milk) utilization was requested by the handler; less
 - (vi) 1.5 percent of milk disposed of in bulk tank lots to other milk plants, ex-

fied books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1073.40 Skim milk and butterfat to be classified.

All skim milk and butterfat required to be reported pursuant to § 1073.30 shall be classified by the market administrator pursuant to the provisions of §§ 1073.41 through 1073.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1073.41 Classes of utilization.

Subject to the conditions set forth in §§ 1073.43 through 1073.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

- (1) Disposed of in the form of a fluid milk product (including those reconstructed) except:
- (i) Any fluid milk product fortified with added solids shall be Class I milk in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and
- (ii) Any fluid milk product classified pursuant to subparagraphs (2), (3), and (4) of paragraph (c) of this section;
- (2) In inventory of fluid milk products in packaged form on hand at the end of the month; and
- (3) Not specifically accounted for as Class II milk or as Class III milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce or added to cottage cheese and cottage cheese curd, except as classified pursuant to subparagraphs (2) and (3) of paragraph (c) of this section; and

(c) Not specifically accounted for as Class II milk or as Class III milk;

(d) *Class III milk.* Class III milk shall be all skim milk and butterfat used to produce or added to cottage cheese and cottage cheese curd, except as classified pursuant to subparagraphs (2) and (3) of paragraph (c) of this section; and

ing Grade A milk, which shall show for each producer or dairy farmer:

- (a) The name and address;
- (b) The total pounds of milk received and the average butterfat content thereof;
- (c) The total pounds of milk diverted and the location of the nonpool plant; and
- (d) The price, amount and date of payment with the nature and amount of any deductions.

§ 1073.32 Other reports.

Each producer-handler and each handler exempt from regulation pursuant to § 1073.61 shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 1073.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

- (a) The receipts of producer milk and other source milk and the utilization of such receipts;
- (b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;
- (c) Payments to producers and cooperative associations; and
- (d) The pounds of skim milk and butterfat contained in or represented by all fluid milk products on hand at the beginning and end of each month.

§ 1073.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15) (A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or speci-

ministrator in the detail and on forms prescribed by the market administrator:

- (a) Each handler described in § 1073.8(a) shall report with respect to each of his pool plants as follows:

- (1) Receipts of skim milk and butterfat in:
- (i) Producer milk;
- (ii) Fluid milk products received from other pool plants; and
- (iii) Other source milk, with the identity of each source;
- (2) Opening inventories of fluid milk products;
- (3) The utilization or disposition of all quantities required to be reported, including separate statements of quantities:

- (i) Of bulk fluid milk products on hand at the end of the month;
- (ii) Of packaged fluid milk products on hand at the end of the month; and
- (iii) Of route disposition of fluid milk products in the marketing area; and
- (4) Such other information with respect to receipts and utilization as the market administrator may request;
- (b) Each handler described in § 1073.8 shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those of producer milk; and

(c) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1073.8 (c) and (d), as follows:

- (1) Receipts of skim milk and butterfat in producer milk;
- (2) Utilization of milk for which it is the handler pursuant to § 1073.8(c);
- (3) The quantities delivered to each pool plant of another handler pursuant to § 1073.8(d); and
- (4) Such other information as the market administrator may require.

§ 1073.31 Payroll reports.

On or before the 20th day after the end of the month each handler described in § 1073.8(a), for each of his pool plants, and each cooperative association with respect to milk for which it is the handler pursuant to § 1073.8 (c) and (d) shall submit to the market administrator the producer payroll and each handler making payments pursuant to § 1073.62 (a) his payroll for dairy farmers deliver-

cept, in the case of milk diverted to a nonpool plant, if the operator of the plant to which the milk is diverted purchases such milk on the basis of farm weights, the applicable percentage shall be 2 percent;

(9) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1073.42(b) (2); and

(10) In shrinkage of skim milk and butterfat, respectively, resulting from milk for which a cooperative association is the handler pursuant to § 1073.8 (c) or (d) not being delivered to pool plants and nonpool plants, but not in excess of one-half percent of such receipts, exclusive of those for which farm weights are used as the basis of receipt at the plant to which delivered.

§ 1073.42 Assignment of shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler at each plant; and

(b) If the pool plant has receipts of other source milk, shrinkage shall be prorated between:

(1) Skim milk and butterfat in amounts respectively equal to 50 times the maximum amount that may be computed pursuant to § 1073.41(c) (8); and

(2) Skim milk and butterfat in other source milk in the form of fluid milk products exclusive of that specified in § 1073.41(c) (8).

§ 1073.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) For the purposes of §§ 1073.41 through 1073.46, 1073.50 through 1073.54, and 1073.70 through 1073.72, milk delivered by a cooperative association in its capacity as a handler pursuant to § 1073.8(d) shall be classified and allocated as producer milk according to the use or disposition by the receiving handler and the value thereof at class prices shall be included in the receiving handler's net pool obligation pursuant to

§ 1073.70. For purposes of location adjustments pursuant to § 1073.53 and administrative expense pursuant to § 1073.88, such milk shall be treated as producer milk of the receiving handler; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1073.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants in their reports pursuant to § 1073.30, otherwise as Class I milk, if transferred from a pool plant to another pool plant, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1073.46(a) (9) and the corresponding step of § 1073.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1073.46(a) (4) and the corresponding step of § 1073.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I (then Class II) utilization to such other source milk; and

(3) If the handler transferring to the pool plant of another handler received during the month other source milk to be allocated pursuant to § 1073.46(a) (8) or (9) and the corresponding steps of § 1073.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I (or Class II) milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler; (c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 250 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the lo-

cation adjustment points pursuant to § 1073.53(c), except that cream so transferred may be classified as Class III milk if prior notice is given to the market administrator and each container is labeled by the transferor as "Grade C" cream for manufacturing only;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 250 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the location adjustment points pursuant to § 1073.53(c), unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph;

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1073.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I milk utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I milk utilization disposed of on routes in the marketing area

of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I milk utilization in excess of that assigned pursuant to subdivisions (1) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I milk utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I milk utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk to the extent of such uses at the plant and then as Class III milk;

(e) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2) or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in Class I if allocated as a fluid milk product to Class I under the other order, in Class II if allocated to Class II under an order which provides three classes and in Class III if allocated to Class III under the other order or if allocated to Class II under an order which provides only two classes (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class III milk to the extent of the Class III milk utilization (or comparable utilization

under such other order) available for such assignment pursuant to the allocation provisions of the transferee order; (4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to § 1073.46 and computation of obligation pursuant to § 1073.70, this paragraph, classification shall be as Class I milk subject to adjustment when such information is available;

(5) For purposes of this paragraph (e), if the transferee order provides for only two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and milk allocated to another class shall be classified as Class III milk; and

(6) If the form in which any fluid milk product is transferred to another order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1073.41; and

(f) If any skim milk or butterfat is transferred to a second plant under paragraph (d) of this section the same conditions of audit, classification, and allocation shall apply.

§ 1073.45 Computation of skim milk and butterfat in each class.

(a) For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted pursuant to § 1073.30 for each pool plant of each handler;

(b) If no fluid milk products to be assigned pursuant to § 1073.46(a) (8) or (9) were received at any pool plant of the handler, allocation pursuant to § 1073.46 and computation of obligation pursuant to § 1073.70 shall be made separately for each pool plant of a handler operating two or more pool plants;

(c) Unless the conditions specified in paragraph (b) of this section apply, the market administrator will compute the pounds of skim milk and butterfat in each class at all pool plants of such handler, exclusive of any classification based upon movements between such plants, and allocation pursuant to § 1073.46 and computation of obligation pursuant to § 1073.70 shall be based upon the combined utilization so computed; and

(d) Producer milk for which a cooperative association is the responsible handler pursuant to § 1073.8 (c) or (d) shall be treated separately from the operations of any pool plant(s) operated by such cooperative association for the purposes of allocation, pursuant to § 1073.46 and computation of obligation pursuant to § 1073.70.

§ 1073.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1073.45, the market administrator shall determine the classification of producer milk for each handler (or pool plant, if applicable) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk classified as Class III milk pursuant to § 1073.41(c) (8);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Except for the first month this order is effective, subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II or III milk but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant;

(a) For which the handler requests Class III (or Class II) milk utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class III (or Class II) milk utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in inventory of bulk fluid milk products (and for the first month the order is effective the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (5) (i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (5) (ii) of this paragraph:

(i) In series beginning with Class III milk, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated of Class II and Class III milk utilization of skim milk announced for the month by the market administrator pursuant to § 1073.22(1) or the percentage that Class II and Class III milk utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers (or other pool plants, if applicable) according to the classification assigned pursuant to § 1073.44(a); and

(11) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III milk. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1073.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. However, for the purpose of computing the Class I milk price for each month from the effective date of this order through March 1967, the basic formula price shall not be less than \$4.00.

§ 1073.51 Class prices.

Subject to the provisions of §§ 1073.52 and 1073.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk.* The price for Class I milk at plants located in Zone I shall be the basic formula price for the preceding month plus \$1.60, subject to a supply-demand adjustment computed pursuant to subparagraphs (1) through

highway, as determined by the market administrator; and

(d) For purposes of calculating such location adjustments, transfers of fluid milk products between pool plants shall be assigned Class I milk disposition at the receiving plant, in excess of the sum of receipts at such plant from producers (including receipts from a cooperative association as a handler of bulk tank milk pursuant to § 1073.8(d)) and the receipts from other order plants and unregulate supply plants. Such assignment is to be made first to shipping plants priced at the same zone price, next to plants priced at the other zone price, and then in sequence beginning with the plant at which the least location adjustment credit would apply.

§ 1073.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1073.60 Producer-handlers.

Sections 1073.40 through 1073.46, 1073.50 through 1073.54, 1073.61, 1073.62, 1073.70 through 1073.72, and 1073.80 through 1073.89 shall not apply to a producer-handler.

§ 1073.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition during the month in such other federal order marketing area is greater than was so disposed of in this market-

diately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

§ 1073.52 Handler butterfat differentials.

If the average butterfat test of Class I, Class II or Class III milk as calculated pursuant to § 1073.46 is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization for each one-tenth of 1 percent that such average butterfat test is above or below 3.5 percent, a butterfat differential computed by multiplying the Chicago butter price by the applicable factor listed below, and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by 0.120;

(b) *Class II milk.* Multiply such price for the current month by 0.115; and

(c) *Class III milk.* Multiply such price for the current month by 0.115.

§ 1073.53 Location differentials to handlers.

For milk received from producers or from a cooperative association pursuant to § 1073.8(d) at a pool plant and which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (d) of this section or for other source milk to which a location adjustment is applicable, the price at such pool plant when located:

(a) In Zone I of the marketing area, shall be that computed pursuant to § 1073.51(a);

(b) In Zone II of the marketing area, shall be 5 cents more than the Zone I price;

(c) Outside the marketing area, shall be the Class I price applicable at the nearest of the city halls in Garden City, Hays, Pratt, or Wichita, Kan., subject to a reduction of 12 cents if the distance to such city hall is 70 miles or more, but less than 80 miles, plus an additional 1.5 cents for each 10 miles or fraction thereof in excess of 79 miles (all distances to be by shortest hard-surfaced

(3) For a minus "net deviation percentage" the Class I price shall be increased and for a plus "net deviation percentage" the Class I price shall be decreased as follows:

(i) One-half cent times each such percentage point of net deviation; plus

(ii) One-half cent times the lesser of:

(a) Each such percentage point of net deviation; or

(b) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One-half cent times the least of:

(a) Each such percentage point of net deviation;

(b) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; or

(c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month;

(iv) Less one-half cent, if necessary, to round down to the nearest whole cent.

(b) *Class II milk.* The price for Class II milk shall be the Class III milk price for the month plus 15 cents.

(c) *Class III milk.* The price for Class III milk shall be the basic formula price for the month, but not to exceed a price computed as follows:

(1) Multiply by 4.2 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago as reported for the month by the Department; *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediate

(3) of this paragraph. Such price shall not be less than the Class I price for milk containing 3.5 percent butterfat for the same period pursuant to Federal Order No. 64 (Greater Kansas City) during each month of the period August through March and plus 10 cents for July, nor more than the Greater Kansas City Class I price (3.5 percent butterfat content) plus 50 cents during each of the months of the period August through March and plus 60 cents for each of the months of April through July:

(1) Divide the total receipts of milk from producers in the second and third months preceding by the total volume of producer milk in Class I milk for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage";

(2) Compute a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage"; and

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage";

Delivery period for which price applies	Delivery period used in computation	Percentages	
		Minimum	Maximum
January	October-November	119	129
February	November-December	126	136
March	December-January	129	139
April	January-February	130	140
May	February-March	131	141
June	March-April	132	142
July	April-May	141	151
August	May-June	145	155
September	June-July	139	149
October	July-August	135	145
November	August-September	124	134
December	September-October	116	126

ing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition during the month in this marketing area is greater than was so disposed of in such other Federal order marketing area but which plant is, nevertheless, fully regulated under such other Federal order; and

(c) A supply plant meeting the requirements of § 1073.12(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of December through July if such plant retains automatic pooling status under this part.

§ 1073.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1073.30 and 1073.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

- (a) An amount computed as follows:
 - (1) (i) The obligation that would have been computed pursuant to § 1073.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be

assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1073.70(g) and a credit in the amount specified in § 1073.84(b) (2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph;

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1073.30 and 1073.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1073.12(b) with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant;

(2) From this obligation there will be deducted the sum of:

- (i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and
- (ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant; and

(b) An amount computed as follows:

- (1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class

I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I milk price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III milk price).

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 1073.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler (at each pool plant, if applicable) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1073.46(c), by the applicable class prices (adjusted pursuant to §§ 1073.52 and 1073.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1073.46(a) (11) and the corresponding step of § 1073.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class III milk price for the preceding month and the Class I milk price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1073.46(a) (6) and the corresponding step of § 1073.46(b);

(d) Add the amount obtained from multiplying the difference between the Class III milk price for the preceding month and the Class II milk price for the current month by the lesser of:

(1) The hundredweight of skim milk and butterfat subtracted from Class II milk pursuant to § 1073.46(a) (6) and the corresponding step of § 1073.46(b) for the current month; or

(2) The hundredweight of skim milk and butterfat remaining in Class III

milk after the calculations pursuant to § 1073.46(a) (9) and the corresponding step of § 1073.46(b) for the preceding month, less the hundredweight used in computations pursuant to paragraph (c) of this section;

(e) Add an amount determined by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1073.46(a) (3) and the corresponding step of § 1073.46(b). If the Class I price for the current month is less than the Class I price for the preceding month the result shall be a minus amount;

(f) Add an amount equal to the difference between the value at the Class I milk price applicable at the pool plant and the value at the Class III milk price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1073.46(a) (4) and the corresponding step of § 1073.46(b); and

(g) Add an amount equal to the value at the Class I milk price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I milk pursuant to § 1073.46(a) (8) and the corresponding step of § 1073.46(b).

§ 1073.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1073.70 for all handlers who filed the reports prescribed by § 1073.30 for the month and who made the payments pursuant to §§ 1073.80 and 1073.84 for the preceding month;

(b) Deduct the amount of the plus minus differentials, which are applicable pursuant to § 1073.82;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the

amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1073.81 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1073.70(g);

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price," and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) From the remainder subtract during each of the months of April, May, and June, an amount equal to 20 cents per hundredweight of the total amount of producer milk included in these computations. This amount shall be retained in the producer-settlement fund and disbursed according to the provisions of paragraph (i) of this section.

(i) Add during each of the months of September, October, and November, one-third of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1073.72 Notification of handlers.

On or before the 12th day of each month the market administrator shall notify each handler of:

(a) The quantity and value of his milk in each class computed pursuant to §§ 1073.46 and 1073.70 and the totals of such quantities and values;

(b) The uniform price computed pursuant to § 1073.71;

(c) The amount, if any, due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 1073.80 and 1073.84; and

(e) The amount to be paid by such handler pursuant to §§ 1073.87 and 1073.88.

§ 1073.73 Overdue accounts.

Any unpaid obligation of a handler pursuant to § 1073.84, § 1073.86(a), or § 1073.88 shall be increased one-half of 1 percent on the first day of the month following after the date such obligation is due and on the first day of each succeeding month until such obligation is paid. Any remittance received by the market administrator postmarked prior to the first of the month shall be considered to have been received when postmarked.

PAYMENTS

§ 1073.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the second working day following the 12th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price computed pursuant to § 1073.71 for such producer's deliveries of milk, adjusted by the butterfat and location differentials computed pursuant to §§ 1073.81 and 1073.82, and less the amount of the payment made pursuant to paragraph (b) of this section. If by such date such handler has not received full payment pursuant to § 1073.85, he may reduce his total payments uniformly to all producers by not more than the amount of the reduction in payment by the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following

receipt of the balance from the market administrator;

(b) On or before the 27th day of each month, to each producer:

(1) To whom payment is not made pursuant to paragraph (c) of this section; and

(2) Who is still delivering Grade A milk to such handler, a partial payment with respect to milk received from him during the first 15 days of such month computed at not less than 110 percent of the Class III price for 3.5 percent milk for the preceding month, without deduction for hauling;

(c) On or before the 14th day after the end of each month and on or before the 24th day of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, for milk which it caused to be delivered to such handler from producers, and for which such association is determined by the market administrator to be authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payments due on or before the 14th day after the end of the month shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 1073.31, and payments due on or before the 24th day of the month shall be accompanied by a statement of the amount of money for each producer; and

(d) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1073.8(d), shall, on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at not less than the amount prescribed in paragraph (b)(2) of this section; and

(2) In making final settlement, the value of such milk at the applicable uniform price, less payment made pursuant to subparagraph (1) of this paragraph.

§ 1073.81 Butterfat differentials to producers.

In making payments pursuant to § 1073.80(a), the uniform prices per hundredweight shall be adjusted that the average butterfat content is above or below 3.5 percent by a butterfat differential equal to the average of the butterfat differentials determined pursuant to § 1073.52 weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest one-tenth of a cent.

§ 1073.82 Location differentials to producers and on nonpool milk.

(a) For producer milk received at pool plants located outside Zone I, there shall be added or deducted, as the case may be, an adjustment for each such plant for all milk at the rates specified in § 1073.53 (b) and (c); and

(b) For purposes of computations pursuant to §§ 1073.84(b)(2) and 1073.85, the "weighted average price" shall be adjusted at the rates set forth in § 1073.53 (b) and (c), applicable at the location of the nonpool plant(s) from which the milk was received.

§ 1073.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1073.62, 1073.84, and 1073.86, and out of which he shall make all payments to handlers pursuant to §§ 1073.85 and 1073.86. Immediately after computing the uniform prices for each month, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 1073.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 1073.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts (for each pool plant, if applicable) specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

- (a) The sum of:
 - (1) The total of the net pool obligation computed pursuant to § 1073.70 for such handler; and
 - (2) In the case of a cooperative association which is a handler, the minimum amounts due from other handlers pursuant to § 1073.80(d) (2), and
- (b) The sum of:
 - (1) The value of such handler's producer milk at the applicable uniform prices specified in § 1073.80; and
 - (2) The value at the "weighted average" prices applicable at the location of the plant(s) from which received (not to be less than the value at the Class III milk price) with respect to other source milk for which a value is computed pursuant to § 1073.70(g).

§ 1073.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any (for each pool plant, if applicable), by which the amount computed pursuant to § 1073.84(b) exceeds the amount computed pursuant to § 1073.84(a). The market administrator shall offset any payments due any handler against payments due from such handler. If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1073.86 Adjustment of errors in payments.

(a) Whenever verification by the market administrator of reports or payments of any handler discloses error in payments to the producer-settlement fund made pursuant to § 1073.84, the market administrator shall promptly bill such

of this section, each handler shall make such deductions from the payments to be made directly to producers pursuant to § 1073.80(a) as are authorized by such producers, and on or before the 14th day after the end of each month, pay over such deductions to the association of which such producers are members. When requested by the cooperative association a statement shall be supplied the cooperative association showing for each producer for whom such deduction is made the amount of such deduction, the total delivery of milk, and, unless otherwise previously provided, the but-terfat test.

§ 1073.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

- (a) Producer milk (including that pursuant to § 1073.14(a) (3)) and such handler's own production;
- (b) Other source milk allocated to Class I milk pursuant to § 1073.46(a) (4) and (8) and the corresponding steps of § 1073.46(b); and

(c) Class I milk disposed of from a partially regulated distributing plant with route disposition in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1073.89 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall con-

tain but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15) (A) of the Act, a petition claiming such money.

§ 1073.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 1073.91.

§ 1073.91 Suspension or termination.

Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the Act cease to be in effect.

§ 1073.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all provisions of this part there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate: (b) The market administrator or such other person as the Secretary may designate, shall:

- (1) Continue in such capacity until removed;
- (2) From time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and
- (3) If so directed by the Secretary, execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1073.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 1073.94 Agents.

The Secretary may by designation, in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1073.95 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date: September 1, 1966.

Signed at Washington, D.C., on August 24, 1966.

GEORGE L. MEHREN,
Assistant Secretary.
[F.R. Doc. 66-9358; Filed, Aug. 26, 1966; 8:45 a.m.]

[Milk Order 101]

PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of

1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Knoxville, Tenn., marketing area (7 CFR Part 1101), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the period of September 1966 through February 1967: In § 1101.12, the language which reads, "(a) any day during the months of March through August, or (b) on not more than 10 days during the month in any of the other months of the year."

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order is necessary to facilitate the orderly and economical handling of excess milk supplies without causing a producer to lose his status as a producer under the order and to lose credit in the computation of his base for his milk deliveries during the September-February period.

(4) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (31 F.R. 10847). None were filed in opposition to the proposed suspension. Therefore, good cause exists for making this order effective September 1, 1966.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period September 1966 through February 1967.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date. September 1, 1966.

Signed at Washington, D.C., on August 24, 1966.

GEORGE L. MEHREN,
Assistant Secretary.
[F.R. Doc. 66-9358; Filed, Aug. 26, 1966; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 30—FOREIGN TRADE STATISTICS

In the FEDERAL REGISTER of March 16, 1963 (28 F.R. 2556), there were published regulations to be substituted for Part 30 (15 CFR Part 30) in its entirety. Subsequent amendments to these regulations were published in the FEDERAL REGISTER of December 21, 1963 (28 F.R. 13932); January 14, 1964 (29 F.R. 312); September 9, 1964 (29 F.R. 12675); February 9, 1965 (30 F.R. 2441); September 9, 1965 (30 F.R. 11502); October 9, 1965 (30 F.R. 12881); January 8, 1966 (31 F.R. 260); April 23, 1966 (31 F.R. 6262); and May 3, 1966 (31 F.R. 6587). These regulations and subsequent amendments were pursuant to, and to carry out the provisions of, Chapter 9 of Title 13 of the United States Code (13 U.S.C. 301-307; 76 Stat. 951). Because of the numerous amendments, these regulations are being republished in entirety for convenience. This republication includes all amendments which have been published in the FEDERAL REGISTER to date, together with other minor changes of a purely editorial nature, and replaces the present Part 30 of Chapter I, of Title 15 of the Code of Federal Regulations (15 CFR Part 30) in its entirety.

Subpart A—General Requirements—Exporters

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30.9 Requirements for separation and alignment of items on Shipper's Export Declarations.
30.10 Continuation sheets for Shipper's Export Declaration.
30.11 Authority to require production of documents.
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- 30.20 General statement of requirement for the filing of manifests and Shipper's Export Declarations by carriers.
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30.37 Exceptions from the requirement for reporting complete commodity detail on the Shipper's Export Declaration.
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- 30.50 Procedure for shipments exempt from the requirements for Shipper's Export Declarations.
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30.53 Special exemptions for certain shipments to U.S. Government agencies and employees.
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30.57 Information on export declarations for shipments of types of goods covered by § 30.56 not conditionally exempt.

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Subpart G—General Administrative Provisions

- 30.90 Confidential information, import entries and withdrawals.
30.91 Confidential information, Shipper's Export Declarations.
30.92 Statistical classification schedules.
30.93 Emergency exceptions.
30.94 Instructions to Customs.
30.95 Penalties for violations.

AUTHORITY: The provisions of this Part 30 issued under R.S. 161; 5 U.S.C. 22; Reorganization Plan No. 5 of 1950, 15 F.R. 3174, 64 Stat. 1263; Department of Commerce Order No. 85, June 21, 1962, 27 F.R. 6397. Interpret or apply 76 Stat. 951, 13 U.S.C. 301-307, 77A Stat; 19 U.S.C. 1202, 722, 19 U.S.C. 1484(e).

NOTE: The term "Customs Director" as used in this Part 30 means the Regional Commissioner of Customs if the transaction is at the port of New York City; the district director of customs if at the headquarters port of a customs district other than New York City; and the customs officer in charge of the port if at a nonheadquarters port. See notice issued by the Commissioner of Customs and published in the FEDERAL REGISTER of July 13, 1966 (31 F.R. 9529).

Subpart A—General Requirements—Exporters

§ 30.1 General statement of requirement for Shipper's Export Declarations.

(a) Shipper's Export Declarations shall be filed by exporters or their agents in accordance with the definitions, specifications, and requirements of the regulations in this part for all commodities, gold and silver, except as specifically exempted herein, shipped as follows:

(1) To foreign countries or areas (including the Canal Zone and Trust Territories under U.S. administration, and including Foreign Trade Zones in foreign countries or areas) from any of the following:

- (i) The United States, including the 50 States and the District of Columbia.
- (ii) Puerto Rico.
- (iii) Foreign Trade Zones in the United States or Puerto Rico.
- (iv) The Virgin Islands of the United States.

(2) Between nonforeign areas as specified below:¹

¹ Shipper's Export Declarations are not required for shipments from a U.S. Possession destined to the United States, Puerto Rico, or another U.S. Possession.

(i) To Puerto Rico from the United States.

(ii) To the United States from Puerto Rico.

(iii) To U.S. Possessions from the United States or Puerto Rico.

In the regulations in this part, the term U.S. Possessions includes the Virgin Islands of the United States, Guam Island, American Samoa, Wake Island, Midway Island, and Canton and Enderbury Islands.

(b) Shipper's Export Declarations shall be filed for merchandise moving as described above regardless of the method of transportation, except that for shipments by mail export declarations are required only for shipments valued \$100 or more from one business concern to another business concern and for all shipments by mail requiring a validated export license (except technical data). Instructions for the filing of Shipper's Export Declarations for vessels, aircraft, railway cars, etc., when sold foreign appear in § 30.33. Exemptions from these requirements and exceptions to some of the provisions of the regulations in this part for particular types of transactions will be found in Subparts C and D of this part.

§ 30.2 Related export control requirements.

(a) Under the provisions of the export control regulations of the Office of Export Control in the Bureau of International Commerce, U.S. Department of Commerce (Parts 368-399 of this title), Shipper's Export Declarations are also required for shipments of merchandise from U.S. Possessions to foreign countries or areas.

(b) For all shipments to foreign countries or areas, the Shipper's Export Declaration is an export control document. In preparing and filing export declarations for shipments to foreign countries and areas, therefore, the shipper must comply with all pertinent export control regulations as well as the requirements of the statistical regulations of this part. For convenience, a few provisions of the export control regulations and of the Customs regulations closely related to statistical requirements have been incorporated in the regulations in this part. Information concerning export control regulations and information concerning agencies other than the Department of Commerce exercising export control authority for particular types of commodities may be obtained from the Office of Export Control, Bureau of International Commerce, Washington, D.C. 20230, or from Department of Commerce Field Offices.

§ 30.3 Shipper's Export Declaration forms.

(a) Official forms, or privately printed forms conforming in every respect to the official forms, shall be used in complying

² See also the Comprehensive Export Schedule of the Office of Export Control, which may be purchased from the Government Printing Office or Department of Commerce Field Offices.

with requirements for Shipper's Export Declarations as follows:

(1) Except for shipments for which the Shipper's Export Declaration for In-Transit Goods (Commerce Form 7513) is required as specified below, the Shipper's Export Declaration shall be prepared on Commerce Form 7525-V or on Commerce Form 7525-V-Alternate. The arrangement of Form 7525-V-Alternate conforms to and is designed for simultaneous preparation with various other shipping documents commonly used, such as the dock receipt, short form bill of lading, etc. Form 7525-V-Alternate is acceptable in lieu of Form 7525-V without limitation.

(2) For merchandise shipped in transit through the United States, Puerto Rico, or the Virgin Islands of the United States from one foreign country or area to another, including such merchandise destined from one foreign place to another and transshipped in ports of the United States, Puerto Rico, or the Virgin Islands of the United States, and for foreign merchandise exported from General Order Warehouses or from Foreign Trade Zones, the Shipper's Export Declaration for In-Transit Goods (Commerce Form 7513) shall be filed. Form 7513 shall also be filed for merchandise subject to government inspection, examination, or permit arriving from a foreign country which is rejected and exported. (Although Form 7513 provides that it is to be used for foreign merchandise, it should be used also for U.S. merchandise which after having been exported has been returned to or through the United States and is again being exported under any of the conditions described in this paragraph. Except for rejected merchandise, Form 7513 is not to be used for the reexportation of goods for which entry has been made on Customs Forms 7501 or 7502.)

(b) The Shipper's Export Declaration and the Continuation Sheet² to the Shipper's Export Declaration (both forms designated Commerce Form 7525-V), and the Shipper's Export Declaration for In-Transit Goods (Commerce Form 7513) may be purchased for a nominal price from Customs Directors, Department of Commerce Field Offices, and the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, or they may be privately printed. Supplies of the Alternate Shipper's Export Declaration and the Continuation Sheet to the Alternate Shipper's Export Declaration (both forms designated Commerce Form 7525-V-Alternate) are not available from Government sales offices but must be privately printed. Sample official Alternate Forms and their Continuation Sheets may be obtained from the Foreign Trade Division, Bureau of the Census, Washington, D.C. 20233, or from the New York Office, Foreign Trade Branch, Processing Division, Bureau of the Census, 434 Customhouse, New York, N.Y. 10004. Privately printed Shipper's

² See § 30.10 for instructions as to use of the Continuation Sheet.

Export Declaration forms must conform strictly to the respective official form in size, wording, color, quality (weight of paper stock) and arrangement, including the instructions printed on the reverse side and also the Budget Bureau Approval Number printed in the upper right-hand corner of the face of the form. The quality (weight) of paper stock used in printing the Shipper's Export Declaration form is not less than 16 nor more than 20 pounds commercial substance. Occasional shippers may obtain copies of Shipper's Export Declarations free of charge from local Customs Directors, Post Offices, and Department of Commerce Field Offices.

§ 30.4 Preparation and signature of Shipper's Export Declarations.

(a) The Shipper's Export Declaration shall be prepared and signed by the shipper, owner, or consignor, or his properly authorized agent. If the Shipper's Export Declaration is prepared by an agent of the shipper, owner, or consignor, his authority to sign such declaration shall be in the form of a properly executed power of attorney, signed by the shipper, owner, or consignor on file in the Customs office where the export declaration is to be presented, or in the less formal written authorization printed on the export declaration. In every event the data required in the Shipper's Export Declaration shall be complete and correct and shall be based on personal knowledge of the facts stated, or on invoices or information furnished by the principal. Exporters who authorize the preparation of their export declarations by an agent shall provide the agent with information for this purpose which will in every respect meet the specifications in § 30.7. Particular attention is called to the fact that invoices and other commercial documents furnished to the agent for other purposes may not necessarily contain all of the particular types of information needed for the preparation of the export declaration, and special arrangements should be made so that the information needed for the export declaration is noted upon or accompanies the commercial documents furnished to the agent, if he is to prepare the Shipper's Export Declaration.

(b) Shipper's Export Declarations shall be typewritten or prepared in ink or other permanent medium (except indelible pencil). The use of ditto, hectograph, or other duplicating process, as well as the overprinting of selected items of information, is acceptable.

(c) All copies of the Shipper's Export Declaration shall contain all of the information called for in the signature space as to name of firm, address, name of signer, capacity of signer, etc. The original Shipper's Export Declaration shall be signed in ink, but signature of other copies is not required. The use of signature stamps is acceptable as signature in ink. A duly signed legible carbon or other copy of the export declaration is acceptable as an "original" of the Shipper's Export Declaration.

§ 30.5 Number of copies of Shipper's Export Declaration required.

(a) The Shipper's Export Declaration shall be presented to Customs Directors or Postmasters, as specified in §§ 30.12 through 30.15, in the following number of copies:

(1) In triplicate for shipments, except by mail, destined to all foreign countries, except Canada, and for shipments through Canada destined to a third country.

(2) In duplicate for shipments, except by mail, where Canada is the final destination as known to the exporter at the time of exportation, and for shipments to nonforeign areas.

(3) One copy only for mail shipments to all destinations.

(b) In addition to the standard requirements set forth in paragraph (a) of this section, additional copies of Shipper's Export Declarations may be required for export control purposes by the regulations of the Office of Export Control or other Government agencies, or in particular circumstances by the Customs Director or by the Postmaster. (See § 30.91 for limitations on the issuance of authenticated copies of Shipper's Export Declarations.)

§ 30.6 Requirements as to separate Shipper's Export Declarations.

Except as specifically provided in Subpart C of this part, a separate Shipper's Export Declaration (in the required number of copies—see § 30.5) is required for each shipment (consisting of one or more kinds of merchandise) from one consignor to one consignee on a single carrier. In addition, more than one declaration is required for an individual shipment as follows:

(a) For consignments by rail, truck, or other vehicle, requiring more than one rail car, truck, or other vehicle, a separate export declaration is required for the merchandise carried in each such rail car, truck, or other vehicle. However, Customs Directors are authorized to waive this requirement where multiple car shipments are made under a single bill of lading or other loading document and are cleared simultaneously.

(b) Commodities requiring a validated export license shall not be reported on the same export declaration with commodities moving under general license.

§ 30.7 Information required on Shipper's Export Declarations.

The following information shall be furnished in the appropriate spaces provided on the Shipper's Export Declaration and shall conform to the requirements set forth in this section. (See § 30.92 for information as to the statistical classification Schedules B, C, D, P, and W referred to in this section. Also, see § 30.8 for information required on Form 7513 in addition to these requirements.)

(a) *Port of export.* The name of the U.S. Customs port of exportation shall be entered in terms of Schedule D, "Code Classification of U.S. Customs Districts

and Ports." (See § 30.12 for definition of port of exportation.) (The boxes for District and Port codes in the upper portion of the form are to be completed by Customs except where the Customs Director requests that they be completed by the person preparing the declaration.) For shipments by mail, the name of the Post Office where the package is mailed shall be inserted in the space for U.S. port of export.

(b) *Method of transportation.* Except on Commerce Form 7513, the method of transportation by which the goods are exported (or shipped to a nonforeign area where the declaration covers such a shipment) i.e., vessel (including ferry), air, or other, shall be indicated by check mark in the appropriate space. For shipments by means of transportation other than vessel or air the specific method of transportation (rail, truck, pipeline, etc.) used should be entered. "Other" should be checked for exported aircraft being flown away, vessels exported under their own power or afloat, or for other vehicles exported other than aboard another carrier, and the manner in which exported should be specified, e.g., "flown away," "in tow," etc.

(c) *Exporting carrier.* Information concerning the specific exporting carrier shall be reported as follows:

(1) For shipments by vessel, the name and flag nationality of the ship and the number or name of the pier at which the goods were laden shall be shown.

(2) For shipments by air, the name of the airline shall be reported.

(3) For shipments by other than vessel or air, the carrier shall be identified by name and number or other available designation.

In all cases, the information shall be furnished as to the carrier which transports the merchandise to a foreign country or to an ultimate destination in a nonforeign area, and not as to a different carrier which may have transported the goods to the seaport, airport, or border port of export for final shipment.

(d) *Exporter.* In general, the exporter named on the export declaration shall be the principal or seller in the export transaction. For exports moving under validated license, the exporter named on the Shipper's Export Declaration shall be the licensee named on the validated export license. The address of the exporter (number, street, place, state) shall be shown. (On Form 7513, if an authorized agent is representing the exporter, the name of the exporter as defined herein should be shown on the line labeled "For account of," where "Principal or seller" is indicated below the line on the form.)

(e) *Agent of exporter (forwarding agent).* The name and address of the duly authorized forwarding agent (if any) of the exporter shall be stated. (See § 30.4.) (On Form 7513, the information as to agent (if any) should be shown on the line labeled "Exporter," where "Actual shipper or agent" is indicated below the line on the form.)

(f) *Ultimate consignee.* The name and address (place, country) of the ultimate

consignee whether by sale in the United States or abroad or by consignment shall be stated on the export declaration. For exports to foreign countries, the ultimate consignee shall be the same person so designated in the validated export license or authorized to be ultimate consignee under the applicable general license in conformity with export control regulations.

(g) *Intermediate consignee.* The name and address of the intermediate consignee (if any) shall be stated. For exports to foreign countries, the intermediate consignee shall be the person named as such in the validated export license or authorized to act as such under the applicable general license and in conformity with the export control regulations. If there is no intermediate consignee, the word "none" shall be entered on the Shipper's Export Declaration. (On Form 7513 the name and address of the intermediate consignee (if any) in a foreign country must be shown below the description of commodities across columns 1 through 6.)

(h) *Foreign port of unloading.* For shipments by vessel and by air the foreign port and country of unloading (i.e., the foreign port and country at which the merchandise will be unladen from the exporting carrier) shall be shown on the Shipper's Export Declaration in addition to the country of ultimate destination. The reporting of "optional" ports of unloading is not permissible except as provided in the export control regulations. Where optional ports of unloading are named on the Shipper's Export Declaration under the permissible conditions, a Shipper's Export Declaration Correction Form (Form FT-7403) indicating the actual port of unloading shall be filed by the exporter or his agent with the Customs Director as soon as the actual port of unloading is known to the exporter. Information as to port of unloading is required for shipments by vessel and air only.

(i) *Place and country of destination.* Country of destination shall be reported on the Shipper's Export Declaration in terms of the names designated in Schedule C, "Classification of Country Designations Used in Compiling the United States Foreign Trade Statistics," as follows:

(1) For shipments under validated export licenses, the place (city) and country of ultimate destination shown on the export declaration shall conform to the country of ultimate destination as shown on the license.

(2) For shipments not moving under validated export license, the final place (city) and country of ultimate destination as known to the exporter at the time of exportation shall be shown on the export declaration. "Country of ultimate destination" means the country in which the goods are to be consumed or further processed or manufactured. The country to which the goods are being shipped is not the country of ultimate destination for purposes of pre-

*See Comprehensive Export Schedule. (See footnote 2 above.)

paring the Shipper's Export Declaration if the exporter has knowledge at the time the goods leave the United States that they are intended for reexport or transshipment in their present form to another known country. For goods shipped to Canada, Panama, Hong Kong, Belgium, or The Netherlands for example, special care should be exercised before reporting these countries as the ultimate destination, since these are countries through which merchandise from the United States is frequently transshipped. If the shipper does not know the ultimate destination of the goods, the country of destination to be shown on the export declaration is the last country, as known to the exporter at the time of shipment from the United States, to which the goods are to be shipped in their present form. (For instructions as to the reporting of country of destination for vessels sold or transferred from the United States to foreign ownership, see § 30.33.)

(j) *Marks and numbers.* For purposes of identification of the export declaration with the merchandise it covers, the marks, numbers, or other identification shown on the packages should be inserted. This information is not required for shipments by mail inasmuch as the declaration is presented to the Postmaster with the packages being mailed.

(k) *Number and kind of packages.* The number and kind of packages (i.e., boxes, barrels, baskets, bales, etc.) shall be stated.

(l) *Description of commodities and Schedule B number.* (1) The correct commodity number as provided in Schedule B, "Statistical Classification of Domestic and Foreign Commodities Exported from the United States," shall be entered in the space provided on the Shipper's Export Declaration form, and a description of the merchandise shall be supplied in the "Description of Commodities" column in sufficient detail to permit the verification of the Schedule B commodity number. (For shipments from Puerto Rico to the United States, Schedule P, "Commodity Classification for Reporting Shipments from Puerto Rico to the United States," is substituted for Schedule B.) The name of the commodity, in terms which can be identified or associated with the language used in Schedule B (usually the commercial name of the commodity), and any and all characteristics of the commodity which distinguish it from commodities of the same name covered by other Schedule B classifications shall be clearly and fully stated. Careful reference to the Schedule B classification scheme for related commodities, as well as for the commodity being shipped, is necessary in order to establish which particular characteristics must be stated in the description to permit verification of the correct Schedule B commodity number and to eliminate any question that some other commodity number might apply. A description of commodities in the kind of detail specified above is a separate requirement, and the furnishing of the

correct Schedule B commodity number does not relieve the exporter of furnishing, in addition, a complete and accurate commodity description in accordance with this requirement. If the shipment is moving under a validated license, the description shown on the export declaration shall conform with that shown on the validated export license. However, where the description on the license does not state all of the characteristics of the commodity which are needed to completely verify the commodity number, as described above, the missing characteristics, as well as the description shown on the license, shall be stated in the commodity description on the Shipper's Export Declaration.

(2) For Schedule B commodity numbers for which the classification description in Schedule B is followed by instructions such as "Specify by name," "State species," etc., the specific name of the item or a further identifying description of the item, in addition to the information required by subparagraph (1) of this paragraph, shall be shown. Where a single Shipper's Export Declaration covers more than one item classifiable under a single one of the classifications carrying the "Specify by name" or similar requirement, separate quantities, values, and shipping weights for the individual items are not required by this part. However, each item should be separately enumerated in Column (10), except that if more than five items are involved, all classifiable under one Schedule B number, only the five items of greatest value in the classification are required to be separately enumerated.

(3) Further explanations regarding the description of commodities and Schedule B number requirements are furnished on the reverse side of the export declaration, in the introduction to Schedule B, and in the pamphlet "Correct Way to Fill Out the Shipper's Export Declaration."

(4) Directions for locating the correct Schedule B commodity number will be found in the introduction to Schedule B. The introduction to Schedule B also contains an explanation regarding use of trade names on Shipper's Export Declarations and a description of special provisions for the classification of certain types of commodities, such as items of mixed materials, used or second-hand items, parts for machinery and equipment, filled metal shipping containers of particular types, toys, military equipment, relief and charity shipments, and shipments valued less than \$100. Shippers may consult their local Customs Director, Department of Commerce Field Offices (located in principal cities), the New York Office, Foreign Trade Branch, Processing Division, Bureau of the Census, 434 Customhouse, New York, N.Y. 10004, or write to the Foreign Trade Division, Bureau of the Census, for assistance in determining the correct Schedule B commodity numbers for their shipments.

(5) On the Shipper's Export Declaration for In-Transit Goods covering shipments by vessel, shippers shall show, in

addition to the Schedule B number, the commodity number in terms of Schedule W, "Statistical Classification of U.S. Waterborne Exports and Imports."

(m) *Export license number and expiration date (or general license symbol).* For exports to foreign countries the export license number and expiration date, or the general license symbol shall be shown below the description of the commodity.

(n) *Net quantity.* Where a unit of quantity is specified in Schedule B for the commodity number in which the item is classified, net quantity is required to be reported in the specified unit, and the unit in which reported should be indicated on the declaration following the net quantity figure. Where the unit of quantity specified in Schedule B is "No." (number), "Each" or the abbreviation "Ea." may be indicated on the declaration as the unit of quantity. If no unit of quantity is specified in Schedule B for a numbered classification, but a validated export license for the item specifies a unit of quantity, the net quantity shall be reported on the declaration in terms of the unit of quantity specified in the validated license. If neither Schedule B nor an applicable validated license specifies a unit of quantity for the item, net quantity is not required to be reported, and a dash (—) should be entered in the "net quantity" column on the Shipper's Export Declaration. Where Schedule B calls for two units of quantity, net quantity shall be reported in terms of both units. Where the specified unit is in terms of weight (ounces, pounds, etc.) the net quantity should reflect the net weight exclusive of the weight of barrels, boxes, or other bulky coverings, and exclusive of salt or pickle in the case of salted or pickled fish or meats. Note, however, that for a few commodities where "content lb.," "dry weight," or some similar weight unit is specified in Schedule B, the net quantity to be reported on the Shipper's Export Declaration may be less than the net weight. In the expression of net quantities, fractions of one-half unit or upward will be counted as a whole unit, and fractions of less than one-half unit will be ignored, except that where the total net quantity is less than one-half of the unit prescribed for the commodity in Schedule B "Less than one-half (unit)" should be reported. (For example, where the unit for a given commodity is in terms of "M board feet," a net quantity of 8,400 board feet would be reported as "8 M bd. ft." and a net quantity of 900 board feet would be reported as "1 M bd. ft."; however, a total net quantity of 450 board feet should not be ignored but should be reported as "less than one-half M bd. ft.")

(o) *Gross (shipping) weight.* In addition to specifying the net quantity in the units required by Schedule B, the gross shipping weight in pounds, including the weight of containers, shall be shown for all shipments by vessel and air. However, for containerized cargo in lift vans, cargo vans, or similar substantial outer containers, the weight of such

containers should not be included in the gross weight of the commodities. If gross shipping weight information is not available for individual Schedule B items for the reason that commodities covered by more than one Schedule B number are contained in the same shipping container, approximate shipping weights, estimated as accurately as is practicable, may be shown on the Shipper's Export Declarations for each Schedule B item in the container. The total of the estimated weights must equal the actual shipping weight of the entire container or containers and contents. Gross shipping weight is not required for shipments by mail or for shipments by methods of transportation other than vessel or air.

(p) *"D" (Domestic) or "F" (Foreign).*

(1) The export declaration covering exports to foreign countries shall show foreign goods separately from goods of domestic production. Exports of foreign merchandise include those commodities which are the growth, produce, or manufacture of foreign countries which entered the United States as imports and which at the time of exportation have undergone no change in form or condition or enhancement in value by further manufacture in the United States, Puerto Rico, or U.S. Possessions.

(2) Exports of domestic merchandise include those commodities which are the growth, produce, or manufacture of the United States, Puerto Rico, or U.S. Possessions (including commodities incorporating foreign components), and those articles of foreign origin which have been enhanced in value or changed from the form in which imported by further manufacture or processing in the United States, Puerto Rico, or U.S. Possessions.

(3) The above distinction between domestic and foreign merchandise is intended only for use in reporting on the Shipper's Export Declaration and is intended for statistical purposes only.

(4) On the Shipper's Export Declaration in the column headed "Specify 'D' or 'F,'" domestic merchandise shall be identified by the designation "D" and foreign merchandise shall be identified by the designation "F." On the Shipper's Export Declaration for In-Transit Goods, Form 7513, one of the following statements, whichever is appropriate, shall be shown across the body of the form within columns 1 through 6: (i) For in-transit shipments of domestic (United States) merchandise, "The merchandise described herein is of the growth, production or manufacture of the United States;" and (ii) for in-transit shipments of foreign merchandise, "The merchandise described herein is of foreign origin."

(q) *Value.* (1) In general, value shall be reported on the Shipper's Export Declaration in accordance with the definition at the top of the value column on the regular Shipper's Export Declaration (Commerce Form 7525-V): "Value at U.S. Port of Export (Selling price or cost if not sold, including inland freight, insurance and other charges to U.S. port of export) (Nearest whole dollar; omit cents figures)." "Selling price" for goods

exported pursuant to sale is the exporter's price to his customer net of any unconditional discounts from list price, but without deducting any discounts which are conditional upon a particular act or performance on the part of the customer. Commissions to be paid by a U.S. exporter to his agent abroad, or to be deducted from the selling price by the exporter's agent abroad should be excluded. For goods shipped on consignment without a sale actually having been made at the time of export, the "selling price" to be reported on the Shipper's Export Declaration is the market value at the time of export at the United States port from which exported.

(2) The value reported on the Shipper's Export Declaration shall exclude: The cost of loading on the exporting vessel, aircraft, car or vehicle at the port of exportation; freight, insurance, and any other charges or transportation costs beyond the port of export; and any duties, taxes, or other assessments imposed by foreign countries. The value reported shall include inland or domestic freight or other charges to the seaport, airport, or border port of exportation.

(3) The value to be reported as defined above is (or is equivalent to) an f.a.s. (Free alongside ship) value. Therefore, where goods are sold f.o.b. a U.S. point other than the port of exportation, freight, insurance, and other costs to the border, sea, or airport of exportation shall be added to the selling price (as defined above) for purposes of reporting value on the Shipper's Export Declaration. If the actual amount of such domestic costs is not available, an estimate of the domestic costs shall be added. Where goods are sold at a "delivered" price, c.i.f. foreign destination, the cost of loading on the exporting carrier at the port of exportation, if any, and freight, insurance, and other costs beyond the port of exportation should be subtracted from the price for purposes of reporting value on the Shipper's Export Declaration. If the actual amount of such costs is not available, an estimate of the costs should be subtracted. Costs added to or subtracted from the selling price in accordance with the above instructions should not be itemized or shown separately on the Shipper's Export Declaration, but the value reported should be the value after the making of such adjustments, where they are required to arrive at "value at U.S. port of export." In the expression of values in export declarations, fractions of a dollar less than 50 cents should be ignored, and fractions of 50 cents or upward should be counted as \$1.

(4) For definitions of the value to be shown on the Shipper's Export Declaration for special types of transactions where the commodities are not being exported pursuant to commercial sales, or where subsidies, Government financing or participation, or other unusual conditions are involved, see § 30.30.

(r) *Date of exportation.* Information as to date of exportation is not required to be reported for shipments by vessel or by mail. For other ship-

ments, the date of departure (or date of clearance, if date of departure is not known) shall be shown on the Shipper's Export Declaration as the date of exportation.

(s) *Designation of agent and signature.* For information regarding the use of the space provided on Form 7525-V and 7525-V-Alternate for authorization of agent, and for requirements as to signature, see § 30.4.

§ 30.8 Additional information required on Shipper's Export Declaration for In-Transit Goods (Form 7513).

In addition to the information required under § 30.7, the following information shall be shown on the Shipper's Export Declaration for In-Transit Goods, Form 7513:

(a) *U.S. port of arrival.* The U.S. port at which the merchandise covered by the declaration arrived from a foreign country shall be shown.

(b) *Country from which shipped.* The name of the foreign country where the goods were loaded on the carrier which transported the merchandise to the United States from a foreign country shall be indicated.

(c) *Date of arrival.* The date on which the merchandise arrived in the United States shall be entered.

(d) *Country of origin.* The name of the country of origin as defined in § 30.70 (f) shall be indicated.

§ 30.9 Requirements for separation and alignment of items on Shipper's Export Declarations.

For each Schedule B classification (see § 30.7(1)) for which merchandise is included in the shipment, a separate item shall be shown on the Shipper's Export Declaration and the separate description of commodities, shipping weight, "D" or "F" designation, Schedule B commodity number, net quantity and value for the item shall be correctly aligned horizontally, and clearly distinguishable from information applying to other Schedule B items on the same declaration. However, where merchandise covered by a single Schedule B classification is moving under more than one general license, under more than one validated export license, or under a validated export license which shows two or more listings for the same Schedule B number, a separate item shall be shown on the Shipper's Export Declaration for each license or for each listing on the license.⁵ For merchandise moving under validated license, information required by export control regulations as to export license number and expiration date, and information as to whether the export is a partial or complete shipment against the license, shall be shown immediately below the corresponding description of commodities on the Shipper's Export Declaration. Where two or more items are classified under the same Schedule B number and moving under the same general license, or where no license is re-

⁵ See § 30.6 for prohibition against reporting general license commodities on the same Shipper's Export Declaration with commodities moving under a validated license.

quired, the quantities, values and shipping weights of such invoice items, wherever practical, should be combined and the information shown on a single horizontal line of the Shipper's Export Declaration. Commodities of U.S. manufacture incorporating foreign components shall be reported under the Schedule B number for the exported commodity, and a separate item shall not be shown for the imported components. If the exporter desires to record the imported components separately on the export declaration for purposes of identification with a temporary import bond, a notation may be made in column 10 as to the imported components which have been incorporated in the exported commodity. In the preparation of the export declaration, shippers shall conform to the line spacing on all copies.

§ 30.10 Continuation sheets for Shipper's Export Declaration.

When more horizontal lines than the number provided on the Shipper's Export Declaration form are required to list all of the merchandise covered by the declaration, continuation sheets should be utilized.⁶ In lieu of official continuation sheets, additional copies of the Shipper's Export Declaration form, with no portion torn off or removed, may be used as continuation sheets. All continuation sheets shall be numbered in proper sequence and securely stapled to the first sheet, which must be the export declaration itself. Each continuation sheet shall show the Customs port of exportation and the country of ultimate destination for the shipment. The following statement with the blank filled in as appropriate, shall be inserted on the last line of the Shipper's Export Declaration itself between columns 9 and 15:

This declaration consists of this sheet and ----- continuation sheets.

§ 30.11 Authority to require production of documents.

For purposes of verifying the completeness and accuracy of the information reported as required under §§ 30.7 and 30.8, and for other purposes under the regulations in this part, Customs is authorized to require the owners and operators of exporting carriers, as well as the exporters or their agents, either at the time of exportation or within a period of 3 years subsequent thereto, to produce for inspection or copying shipping documents, invoices, orders, packing lists, correspondence, as well as any other relevant documents and to furnish other information bearing upon a particular exportation. The Bureau of the Census is similarly authorized to require the production of such documents. Customs shall refuse to accept Shipper's Export Declarations containing known errors and omissions, and may require their correction, but acceptance by the Customs Director shall not be construed as evidence that all requirements have been met, and such acceptance shall not relieve the exporter of the responsibility

⁶ See § 30.3(b).

to furnish complete and correct information at a later time if all requirements have in fact not been properly met.

§ 30.12 Time and place Shipper's Export Declarations required to be presented.

For shipments by mail, the Shipper's Export Declaration as required in § 30.1 shall be presented to the Postmaster with the packages at the time of mailing. For shipments other than by mail, the Shipper's Export Declaration in the number of copies required by § 30.5 shall be presented to the Customs Director at the port of exportation, as defined below in this section. For shipments by vessel or air to foreign countries, except Canada, the Shipper's Export Declaration must be presented to the Customs Director and authenticated by the Customs Director in accordance with the procedure outlined in § 30.14(a) prior to placing the goods on the pier, dock, or other place of loading for the purpose of exportation. For all other shipments, except by pipeline, the Shipper's Export Declaration must be presented in accordance with the applicable procedures outlined in § 30.14 (a) or (b) prior to exportation. For exports by pipeline, Shipper's Export Declarations may be presented after exportation, at the end of each month, in accordance with procedures outlined in § 30.14(c). For purposes of the regulations in this part, the port of exportation is defined as the Customs port at which or nearest to which the land surface carrier transporting the merchandise crosses the border of the United States into foreign territory, or, in the case of exportation by vessel or air, the Customs port where the merchandise is loaded on the vessel or aircraft which is to carry the merchandise to a foreign country or to a nonforeign area of ultimate destination. Except as otherwise specifically provided,⁷ declarations should not be filed at the place where the shipment originates if it is to be transshipped within the United States area before being dispatched to a foreign country or to its final destination in a nonforeign area. This applies to shipments originating in Puerto Rico or the Virgin Islands of the United States being forwarded to the United States for transshipment to another destination, and to shipments originating in the United States and being forwarded to Puerto Rico or the Virgin Islands of the United States for transshipment, as well as to merchandise being transshipped in Customs Districts within the States of the United States. In such cases, the declarations should be filed only with the Customs Director at the actual port of exportation. It is permissible for exporters to arrange for presentation of the declaration by the carrier, as authorized above in this section, and for this purpose the declarations may be delivered by the exporter to the carrier at the original port of lading.

⁷ For provisions permitting the filing of declarations at other ports, see § 30.36.

§ 30.13 Who can present Shipper's Export Declarations.

The Shipper's Export Declaration shall be presented to the Customs Director (or to the Postmaster in the case of mail shipments) by the exporter or his agent. Declarations duly executed and signed by the exporter or his agent may be presented by a carrier transporting the merchandise but not otherwise acting as forwarding agent, without specific authorization therefor.

§ 30.14 Procedure upon presentation of Shipper's Export Declarations.

(a) Except as provided in paragraph (b) of this section, upon presentation of the required copies to the Customs Director an authenticated copy of the Shipper's Export Declaration will be returned to the exporter or his agent by Customs. Where presentation is made by the exporter or by an agent of the exporter other than the exporting carrier, the authenticated copy so returned shall be delivered to the exporting carrier prior to exportation, to be delivered to the Customs Director by the carrier as a condition for clearance or departure, as provided in § 30.22. Where the exporting carrier acts as agent of the exporter to present the declarations to Customs, all required copies will be submitted, and the authenticated copy returned by Customs will be delivered again to Customs by the carrier as provided in § 30.22.

(b) For shipments where the ultimate destination is Canada or a nonforeign area, the requirement for advance presentation of the export declaration and subsequent delivery of an authenticated copy by the carrier may be waived in those cases where the exporting carrier acts as agent of the exporter to present the declarations to Customs, unless prior presentation with opportunity to review documents or inspect the merchandise prior to authentication is deemed necessary in order to accomplish the objectives of the regulations in this part and the Customs Director so notifies the carrier. Where the requirements for advance presentation and for delivery of an authenticated copy by the carrier are waived, presentation prior to clearance or departure of the carrier of the required number of copies of the Shipper's Export Declaration by the exporting carrier, acting as agent of the exporter, will satisfy the requirement of this section for presentation by the exporter as well as the requirement of § 30.22 for presentation by the carrier.

(c) For shipments by pipeline, the Shipper's Export Declaration is not required to be presented prior to exportation, and exportation will be permitted upon the understanding that the exporter or his agent, within four working days after the end of each calendar month, will file with the Customs Director having jurisdiction for the pipeline, a Shipper's Export Declaration in the number of copies specified in § 30.5 to cover exports to each consignee during the calendar month. If the declaration is presented to the Customs Director by the

exporter or an agent of the exporter other than the operator of the pipeline, one copy, authenticated by the Customs Director to show it has been so presented, will be delivered by the exporter or his agent to the pipeline operator for presentation by him to the Customs Director in satisfaction of the requirements of § 30.23. However, if the operator of the pipeline acts as agent of the exporter to present to the Customs Director all required copies of the Shipper's Export Declaration prepared by the exporter or his agent, the initial presentation by the pipeline operator will satisfy both the requirements of this section for presentation by the exporter and the requirements of § 30.23 for presentation by the operator of the pipeline.

§ 30.15 Procedure for presentation of declarations covering shipments from an interior point.

For shipments from an interior point, the Shipper's Export Declaration in the number of copies required in § 30.5 shall be prepared and delivered by the exporter or his agent to the carrier to accompany the merchandise for presentation by the carrier to the Customs Director at the seaport, airport, or border port of exportation, or it may be mailed (or otherwise forwarded) to, or prepared by, an agent of the exporter for presentation to the Customs Director at the port of exportation. (See § 30.6 for requirements for a separate set of Shipper's Export Declarations for each car, truck, or other vehicle, covering only the merchandise exported in that car, truck, or vehicle.)

§ 30.16 Corrections to Shipper's Export Declarations.

Except for shipments by mail, the shipper or his agent shall prepare and file in duplicate with the Customs Director at the port of exportation a Shipper's Export Declaration Correction Form on Form FT-7403 for all corrections, amendments, or cancellations of Shipper's Export Declarations which are reported after the copies of the declarations have been forwarded by Customs to the Bureau of the Census, or for which the filing of Form FT-7403 is required by the export control regulations. Other corrections, amendments, or cancellations shall be effected by means of a Correction Form, or shall be noted directly upon the Shipper's Export Declaration. For effecting corrections to Shipper's Export Declarations covering shipments by mail, one copy of the Shipper's Export Declaration Correction Form should be prepared and presented to the Postmaster at the post office where the package was mailed. Correction Forms may be obtained free of charge from the Customs Director. The provisions of this paragraph relating to the filing of a Shipper's Export Declaration Correction Form shall not be construed as a relaxation of the requirements of the laws and regulations pertaining to the preparation and filing of Shipper's Export Declarations.

Subpart B—General Requirements—Exporting Carriers

§ 30.20 General statement of requirement for the filing of manifests and Shipper's Export Declarations by carriers.

Carriers transporting merchandise from the United States, Puerto Rico, or U.S. Possessions to foreign countries; from the United States or Puerto Rico to U.S. Possessions; or between Puerto Rico and the United States; shall not be granted clearance, where clearance is required, and shall not depart, where clearance is not required, until manifests (for vessels, aircraft, and rail carriers) and Shipper's Export Declarations have been filed with the Customs Director as specified below, except as provided in § 30.24.

§ 30.21 Requirements for the filing of manifests.

(a) *Vessels.* Vessels transporting merchandise as specified in § 30.20 (except vessels exempted by paragraph (d) of this section) shall file a complete manifest on Customs Form 1374 or similar form approved by the Customs Director. The manifest shall be filed with the Customs Director at the respective ports where the merchandise is laden, and shall show the destination of the vessel and list all the cargo so laden. For each item of cargo, the manifest shall show the marks and numbers of the packages; and a description of the articles, contents, quantities, and values, shall be shown; however, a notation on the manifest that values are as stated on the Shipper's Export Declaration, copies of which are attached to such manifest, will be accepted. There shall also be shown for each item of cargo the Customhouse number of the authenticated declaration covering the item, except that declaration numbers are not required on manifests covering cargo destined for Canada or a non-foreign area. If an item on a manifest is one for which a Shipper's Export Declaration is not required under the regulations in this part, a notation shall be inserted on the manifest as to the basis for the exemption. In lieu of a listing of cargo on Customs Form 1374, the list of cargo may be shown on bills of lading attached to the manifest, provided that the manifest is completely executed on Customs Form 1374 or similar form approved by the Customs Director, except for particulars as to cargo; and provided also that the bills of lading are securely attached to that form in such manner as to constitute one document; that they are incorporated by suitable reference on the face of the form, such as "Cargo as per bills of lading attached;" and that there is shown on the face of each bill the information required by Customs Form 1374 for the cargo covered by that bill. The manifest of vessels clearing for foreign countries shall also show the quantities and values of bunker fuel taken aboard at that port for fueling use of the vessel, apart from such quantities as may have been laden on vessels as cargo. The quantity of coal shall be

reported in tons, and the quantity of fuel oil shall be reported in barrels of 42 gallons. Fuel oil shall be described in such manner as to identify diesel oil as distinguished from other types of fuel oil.

(b) *Aircraft.* Aircraft transporting merchandise as specified in § 30.20 shall file a complete manifest on Customs Form 7509. Such manifest shall be filed with the Customs Director at the respective ports where the merchandise is laden aboard the aircraft which is to carry the merchandise to the foreign country or to its ultimate destination in a nonforeign area,* and shall list all the cargo so laden and show, for each item, the air way bill number or marks and numbers on packages, the number of packages, and the nature of the goods, except as otherwise provided in this paragraph (b). In addition, for any item for which a Shipper's Export Declaration is not required under the regulations in this part, a notation as to the basis for the exemption shall be inserted on the manifest, or on the waybill filed in lieu of listing on the manifest as provided below. In lieu of listing the cargo on the manifest, (1) in the case of shipments on an air waybill, a copy of each document may be attached to the cargo manifest, the numbers of such air waybills listed in the body of the manifest, and the statement "Cargo as per Air Waybills Attached" noted on the manifest, or (2) on direct departures only, for shipments requiring a Shipper's Export Declaration a copy of each export declaration may be attached to the cargo manifest. In such case the numbers of such declaration shall be listed on the cargo manifest in the column for air waybill numbers, and the statement "Cargo as per Export Declarations Attached" noted on the manifest. Under this alternative procedure, any shipments not requiring a Shipper's Export Declaration shall be listed on the manifest, and a notation as to the basis for the exemption shall be shown. For aircraft carrying merchandise on direct flights between the United States and Puerto Rico, where the conditions of 19 CFR 6.8(e) of the Customs Regulations are met and complied with, a cargo manifest shall be required only for any merchandise transported as cargo which is excepted from the filing of Shipper's Export Declarations or for any cargo for which Shipper's Export Declarations cannot be timely filed. For cargo requiring Shipper's Export Declarations, a declaration shall be made on the general declaration required by Customs Regulations (on the cargo manifest if one is required by the preceding sentence). This declaration shall state either "Attached Shipper's Export Declarations represent a full and complete enumeration and description of the cargo carried on this flight except that listed on the cargo manifests" or "All required cargo documents will be filed within the

* For exception providing for the filing of the manifest at a port other than the port of lading of the cargo on the exporting aircraft, see § 30.36.

4-day bond period." If the latter declaration is used, when the Shipper's Export Declarations and any required cargo manifest are in fact filed they shall be accompanied by the following declaration:

Attached Shipper's Export Declarations represent a full and complete enumeration and description of the cargo carried on aircraft No. _____ flight No. _____ cleared direct for _____ on _____, except cargo listed on any cargo manifest required to be filed for such flight.

(Airline)

(Authorized Agent)

(c) *Rail carriers.* Rail carriers transporting merchandise as specified in § 30.20 shall file a car manifest. Such manifest shall be filed with the Customs Director at the border port of exportation, giving the marks and numbers, the name of the shipper or consignor, description of the goods and the destination thereof. The manifest may be a waybill, or a copy thereof, or a copy of the manifest prepared for foreign customs. For any item for which a Shipper's Export Declaration is not required by the regulations in this part, a notation on the manifest, or an oral declaration to the Customs Director, shall be made by the carrier as to the basis for the exemption.

(d) *Carriers not required to file manifests.* The regulations in this part do not require the filing of manifests by carriers other than vessels, aircraft and rail carriers, nor by vessels under 5 net tons engaged in trade with a foreign country otherwise than by sea, nor by vessels specifically exempted from entry by section 441, Tariff Act of 1930.

§ 30.22 Requirements for the filing of Shipper's Export Declarations by departing carriers.

(a) Every departing carrier transporting merchandise as specified in § 30.20, including vessels, aircraft, rail carriers, trucks, and other vehicles, ferries and every other carrier, shall deliver to the Customs Director at the port of exportation, with the manifest of the carrier, if a manifest is required by the regulations in this part, Shipper's Export Declarations prepared and signed by the exporters or their agents covering all the cargo for which such Shipper's Export Declarations are required by the regulations in this part.* Any short shipments shall be noted by the carrier on the declarations, and the carrier shall make sure that the correct information as to "Exporting Carrier" is shown on the declarations. Except as provided in paragraph (b) of this section, the declarations delivered by the carrier shall have been

* Shipper's Export Declarations for merchandise shipped from an interior point in the United States partly in transit through Canada or Mexico for exportation from a seaboard port of the United States are not required to be delivered to the Customs Director at the first border port, but the statistics of export will be secured from Shipper's Export Declarations filed at the seaboard port of exportation.

previously authenticated by Customs, in accordance with the provisions of § 30.14 (a). If a shipment is divided at the port of exit by accident or intention, part being exported in one vessel, airplane, or car and part in another, the agent of the carrier will note the amount shipped on the declaration attached to the vessel, air, or car manifest. Declarations covering subsequent shipments must be prepared by the carrier's agent in duplicate from records of the previous shipment and be presented to Customs when the remainder is shipped. The number, if any, of the original declaration must be noted on the original and duplicate copy of the declaration covering the remainder of the shipment.

(b) For shipments where the ultimate destination is Canada or a nonforeign area, and where the exporting carrier acts as agent of the exporter in presenting declarations to Customs, the Customs Director in accordance with the provisions of § 30.14(b), may waive the requirement that the Shipper's Export Declarations delivered by the carrier shall have been previously authenticated. In that event, the presentation to the Customs Director by the carrier of the number of copies of the Shipper's Export Declaration required by § 30.5 will satisfy the requirements of § 30.14 for presentation by the exporter, as well as the requirements of this section for presentation by the carrier.

§ 30.23 Requirements for the filing of Shipper's Export Declarations by pipeline carriers.

The operator of a pipeline may transport merchandise to a foreign country without prior filing of Shipper's Export Declarations, on the condition that within 4 days following the end of each calendar month the pipeline operator will deliver to the Customs Director Shipper's Export Declarations prepared by the exporter or his agent covering all exportations through the pipeline to each consignee during the month. In those cases where the exporter, or an agent of the exporter other than the operator of the pipeline, presents to the Customs Director the number of copies of the Shipper's Export Declaration required of the exporter by § 30.5, one copy, authenticated to show that it has been so presented, will be obtained by the pipeline operator from the exporter or his agent and delivered to the Customs Director. However, if the operator of the pipeline acts as agent of the exporter to present to the Customs Director all the copies of the Shipper's Export Declaration required by § 30.5, the initial presentation by the pipeline operator will satisfy both the requirements of § 30.14 (c) for presentation by the exporter and the requirements of this § 30.23 for presentation by the operator of the pipeline. Any necessary corrections to reflect the actual quantities transported through the pipeline will be noted on the Shipper's Export Declarations by the operator of the pipeline.

§ 30.24 Clearance or departure of carriers under bond on incomplete manifest or Shipper's Export Declarations.

(a) For purposes of the regulations in this part, clearance (where clearance is required) or permission to depart (where clearance is not required) may be granted to any carrier by the Customs Director prior to the filing of a complete manifest as required under the regulations in this part, or prior to the filing by the carrier of all required Shipper's Export Declarations, provided that a bond as specified in paragraph (b) of this section is filed with the Customs Director. The condition of the bond shall be that a complete manifest, where a manifest is required by the regulations in this part, and all required Shipper's Export Declarations, shall be filed by the carrier not later than the fourth business day after clearance (where clearance is required) or departure (where clearance is not required) of the carrier for all carriers except as otherwise specifically provided in subparagraphs (1) and (2) of this paragraph.

(1) For shipments aboard a U.S.-flag carrier between the United States and Puerto Rico, or from the United States or Puerto Rico to the U.S. possessions, the condition of the bond shall be that a complete manifest (where a manifest is required) and all required Shipper's Export Declarations shall be filed by the carrier not later than the seventh business day after departure.

(2) For rail carriers to Canada, the condition of the bond shall be that the manifest and all required Shipper's Export Declarations shall be filed not later than the 15th business day after departure.

In the event that any required manifest and all required Shipper's Export Declarations are not filed by the carrier within the period provided by the bond, then a penalty of \$50 shall be exacted for each day's delinquency beyond the allowed period of 4 days, 7 days, or 15 days, as appropriate; and if the completed manifest, where required, and all required Shipper's Export Declarations are not filed within 3 days following the period of 4 days, 7 days, or 15 days, allowed under the bond, then for each succeeding day of delinquency a penalty of \$100 shall be exacted, but no penalty shall exceed \$1,000 in total. Remission or mitigation of the penalties provided herein may be granted in those cases where, in the judgment of the administering authority provided in paragraph (b) of this section, the penalties were incurred without willful negligence or fraud, or other circumstances justify a remission or mitigation.

(b) Bonds filed in accordance with the provisions of this § 30.24 may take the form of a single entry bond on Customs Form 7567 in the amount of \$1,000 or of a term or blanket bond on Customs Form 7569 in the amount of \$10,000 or such larger amount as the Secretary of the Treasury may prescribe, or in other approved form. Except as provided below in this paragraph, there shall be shown

on the bond, or on a separate listing which refers to and is made a part of the bond, a pro forma list of shipments on board the departing carrier for which Shipper's Export Declarations have not been filed with the Customs Director. The list shall show for each such shipment the name of the shipper, the country to which exported, marks and numbers of the packages, the number and kind of packages, a description of the goods and the value (or estimated value). However, where such waiver will not interfere with the ability of the Customs Director to check on performance under the bond, or with the identification of the shipment for purposes of obtaining statistical information in the event of failure of performance under the bond, the Customs Director may waive the requirement for the pro forma list of shipments for which declarations are missing, or may accept a list containing less than the items of information enumerated above. Approval of bonds and administration of the provisions of the regulations in this part relating to performance by carriers under such bonds, including remission and mitigation of penalties incurred by the carriers, are hereby delegated to the Commissioner of Customs or his delegate to be carried out in accordance with the provisions of section 623 of the Tariff Act of 1930, as amended, and the regulations of the Bureau of Customs issued pursuant thereto.

Subpart C—Special Provisions Applicable Under Particular Circumstances

§ 30.30 Values for certain types of transactions.

The following special arrangements govern the values to be reported for shipments of the following unusual types:

(a) *Subsidized exports of agricultural products.* Where provision is made for the payment of an export subsidy to the exporter for the exportation of agricultural commodities under a program of the Department of Agriculture, the value required to be shown on the export declaration is the f.a.s. value as defined in § 30.7(q), based on the selling price paid by the foreign importer, excluding the amount of the subsidy.

(b) *GSA exports of excess personal property.* For exports of General Services Administration excess personal property, the value to be shown on the Shipper's Export Declaration will be the total of the estimated "fair value," if any, at which the property was transferred to GSA by the holding agency, plus charges, when applicable, to the port of export, such as packing, rehabilitation, inland freight or drayage. The estimated "fair value" may be zero, or it may be a percentage of the original or estimated acquisition costs. (Export declarations for such shipments will bear the notation "Excess Personal Property, GSA Regulations I-III, 303.03.")

§ 30.31 Identification of certain non-statistical and other unusual transactions.

In order to enable the Bureau of the Census to make a judgment as to the

statistical or other status of certain export transactions, Shipper's Export Declarations covering the following types of transactions should carry a statement in column 10 beneath the commodity description clearly identifying the transactions as such:

(a) Merchandise exported for repair only, and other temporary exports to be returned to the United States which are not sold and do not enter the trade of the country to which shipped, e.g., merchandise for exhibition (not for exhibition and possible sale), horses or other animals for breeding or grazing, etc.

(b) The return of merchandise previously imported for repair only and other returns to the foreign shipper of temporarily imported merchandise (declared as such on importation) on which no alteration or processing has been performed, e.g., foreign merchandise being returned to the country of origin after importation into the United States for exhibition only.

(c) Shipments of material in connection with construction, maintenance, and related work being done on projects for the U.S. Armed Forces. Equipment and other material shipped for temporary use on such projects and intended for return to the United States should be identified separately from construction material or other goods which will become a part of or which will be consumed in the construction or maintenance work.

§ 30.32 Exports of complete machines or other complete units in partial shipment lots.

Unassembled machines or other units shall be classified as complete machines or units, and not as parts thereof, even when the integral components are not shipped simultaneously, or are shipped through more than one port. When more than one shipment is involved in the exportation of one or more complete machines or units, the components actually included in each shipment shall be reported in column 10 of the Shipper's Export Declaration with the value (or estimated value) and, where required, shipping weight, of these components only shown in columns 15 and 11, respectively. In each case the Schedule B number for the complete machine shall be reported in column 13 of the Shipper's Export Declaration, and a statement shall be entered in column 10 to the effect that the declaration represents the first, second, third, etc., partial shipment of integral components to comprise one (or other number) complete machine (and the machine should be completely described in terms of Schedule B). The statement should also include the total value and, where required, shipping weight for the entire consignment. The declaration covering the final shipment shall be conspicuously labeled "Final Shipment," in addition to being appropriately numbered in the series of declarations.

§ 30.33 Vessels, planes, cargo vans, and other carriers and containers sold foreign.

(a) Vessels, locomotives, rail cars, ferries, trucks, other vehicles, trailers, pallets, cargo vans, lift vans, or similar shipping containers are not considered "shipped" in terms of the regulations in this part when they are moving, either loaded or empty, without transfer of ownership or title, in their capacity as carriers of merchandise or as instruments of such carriers, and Shipper's Export Declarations are not required therefor when so moving.

(b) However, Shipper's Export Declarations shall be filed for such items when moving as merchandise pursuant to sale or other transfer from ownership in the United States to ownership abroad. When a new vessel built in the United States for foreign account clears under a certificate of record (Commerce Form 1316), a Shipper's Export Declaration must be furnished by the agents or prepared by Customs for statistical purposes. If a vessel, car, vehicle, or container, whether in service or newly built or manufactured, is sold or transferred to foreign ownership while in the Customs area of the United States or at a port in such area, Shipper's Export Declarations shall be filed in accordance with the general requirements of the regulations in this part, at the port through or from which the vessel, car, vehicle, or container first leaves the United States after sale or transfer. If the vessel, car, vehicle, or shipping container is outside the Customs area of the United States at the time of sale or transfer to foreign ownership, Shipper's Export Declarations shall be filed at the last port of clearance or departure from the United States prior to sale or transfer. The country of destination to be shown on the Shipper's Export Declaration for vessels sold foreign is the country of new ownership. The country for which the vessel clears, or the country of registry of the vessel, should not be reported as the country of destination on the Shipper's Export Declaration unless such country is the country of new ownership.

§ 30.34 Return of exported cargo to the United States prior to reaching its final destination.

(a) When a vessel carrying cargo which cleared from a port in the U.S. Customs area returns to the U.S. Customs area before it reaches its destination and discharges any or all of its cargo in the United States, the Customs Director at the port of unloading shall notify the Foreign Trade Division, Bureau of the Census, of this fact. The letter of notification shall contain the following information: Name of the carrier, dates of clearance, manifest numbers assigned at the various Customs ports at which cargo was laden and the final disposition of all cargo. If the vessel returns to the port at which the cargo was originally laden, the letter of notification shall also include the Customs authentication

number of each export declaration filed at the time of clearance.

(b) For shipments by air where the Shipper's Export Declarations are filed at the port of lading, if it becomes necessary because of an emergency to unload part or all of the cargo at another port in the U.S. Customs area (other than the port in Puerto Rico or U.S. Possession which is its final destination), the Shipper's Export Declarations filed at the port of lading need not be canceled if the merchandise is reloaded on another plane at the second port within a reasonable time and proceeds to its country of destination. If there is unreasonable delay in reloading, the originally filed declarations should be canceled and new declarations should be filed at the second port of lading. If for any reason the merchandise remains permanently in the United States, the Customs Director at the first port of lading must be notified to cancel the Shipper's Export Declarations which have been filed. This provision is not intended as an exception from the requirements of § 30.12 as to the place at which Shipper's Export Declarations are required to be filed; it is intended only for cases where an emergency requires an unintended unloading after the requirements of § 30.12 have been met. For exceptions providing for the filing of Shipper's Export Declarations at ports other than the port of lading of the cargo on the exporting aircraft, see § 30.36.

§ 30.35 Shipments between U.S. points in transit through Canada diverted to Canada.

When commodities being shipped in transit through Canada to other U.S. ports without the filing of a Shipper's Export Declaration (as provided in § 30.55) are diverted after leaving the United States, for import into Canada, Shipper's Export Declarations in accordance with the requirements of the regulations in this part shall be filed with the Customs Director at the port of exportation by the exporter or his agent promptly upon such diversion.

§ 30.36 Procedure for the filing of export documentation for air shipments at other than the actual port where the merchandise is laden aboard the exporting carrier.

(a) Cargo "Ramp Transferred" in the United States from an international flight to another international flight of the same airline. An exception to the requirements of § 30.12 that Shipper's Export Declarations must be filed at the port of exportation may be made for particular types of air shipments where the Bureau of the Census, the Office of Export Control, and the Bureau of Customs are satisfied that such exception will not be detrimental to the objectives of the statistical and export control programs. The requirements of §§ 30.13 and 30.14 for the filing of Shipper's Export Declarations by the exporter or his agent may be satisfied by presentation of the declarations at the interior port of lading for domestic cargo laden on an international flight at such interior port

and scheduled for off-lading at a subsequent port in the United States for actual export therefrom on another international flight of the same airline, if the airline makes application to the Customs Director at the interior port where the merchandise is to be laden and receives advance approval from the Customs Director for the presentation of the declarations and any required validated export licenses at that port. (Provision has also been made that when such approval has been given the cargo may receive clearance for export licensing requirements at the interior port.) The application for the exception provided for herein shall identify the flights for which the ramp transfer procedure will be used and the ports of exportation where ramp transfer will take place. If the application is approved, the following procedure shall be strictly observed:

(1) Shipper's Export Declarations with all required licenses for review of licensing and statistical requirements must be presented to the Customs Director at the initial port of lading by the exporter or his agent (the agent may be the airline) prior to lading of the cargo at that port. The port at which the cargo is to be transferred to the exporting aircraft shall be coded as the "port of export," and "Copy on file at (name of port of origin)" shall be shown on all copies. Any document to accompany the shipment to the port of exportation, for filing with, or for action thereon by, Customs at that port, shall also be presented at such time. Additional copies of Shipper's Export Declarations needed to comply with requirements of another government agency (see § 30.91) shall also be presented at this time.

(2) All shipments to be ramp transferred in accordance with this procedure shall be separately manifested at the port of origin and an additional copy of the manifest for those shipments shall be prepared and shall accompany the shipments to the port of exportation. If shipments are to be transferred to more than one aircraft at the port of exportation, they shall not be combined on the same page of the manifest. The outward manifest filed at the port of origin must show the export declaration number for each shipment as well as other data required by the regulations in this part and by 19 CFR 6.8 (Customs Regulations). The "point of lading" on the manifest shall show the port where the merchandise was laden and the port of transfer for exportation; e.g., "Baltimore via New York."

(3) Manifest sheets covering cargo to be ramp transferred at a subsequent port shall be endorsed at the port of origin to show "Export declarations authenticated at _____"

(Port)

(4) The original and one copy of the export declaration must accompany the shipment to the port of exportation.

(5) At the port of exportation, the additional copy of the manifest shall be corrected by the airlines to show the flight number of the exporting aircraft and the date of exportation, and shall

be filed as a part of the outward manifest of the exporting aircraft. The two copies of the Shipper's Export Declaration and any other related documents required for Customs, Internal Revenue, or other purposes shall be presented with the outward manifest of the exporting aircraft. It will not be necessary to present the export declarations for authentication or review again prior to clearance.

(6) Any required export declaration correction forms shall be filed in triplicate at the port of origin. Requests for certificates of exportation shall also be filed at the port of origin.

(7) The provisions outlined above apply only to domestic cargo laden at the port of origin on an outbound aircraft on an international flight and transferred at the port of exportation to another outbound aircraft of the same airline departing on another international flight, and only where approval for the special procedure has been obtained in advance by the airline.

(b) *Cargo transferred from a domestic flight originating at designated ports of origin to an international flight at the port of exit.* Shipper's Export Declarations may at the option of the exporter (or his agent) and the airlines involved be filed at the port of origin (in lieu of the actual port of exportation as prescribed in § 30.12) for merchandise laden aboard a domestic flight at designated ports of origin for transfer to an international flight at a port of exportation. Where this procedure is used, the requirements of §§ 30.13 and 30.14 for the filing of Shipper's Export Declarations by the exporter or his agent may be satisfied by presentation of the declarations at the initial port of lading for cargo laden on a domestic flight at any of the designated ports of origin listed in subparagraph (3) of this paragraph and scheduled for transfer to an international flight at another port in the United States for actual exportation therefrom. Prior application and specific approval for the use of this optional procedure are not required. Where the exporter (or his agent) and the airlines involved elect to utilize this optional procedure, the following shall be strictly observed:

(1) Shipper's Export Declarations shall show in the space for authentication the name of the port of origin, and "Copy on file at (name of port of origin)" shall be stamped or otherwise printed across the bottom of columns 9 through 15. However, the name of the port of exportation at which the merchandise is to be transferred to the exporting aircraft shall be entered and coded as the "port of export" in the appropriate spaces on the declaration. If the port of exportation is changed after the aircraft departs from the port of origin, the exporting carrier that is to carry the shipment from the United States shall correct the export declaration.

(2) The name of the exporting carrier that is to carry the shipment from the United States shall be entered, if known, as the port of origin. If such exporting carrier is unknown, or if the exporting carrier designated in the export declaration

filed at the port of origin is changed, the carrier at the port of exportation shall be responsible for entering the correct name.

(3) Only the following ports may be utilized as ports of origin:

Baltimore, Md.	Minneapolis, Minn.
Boston, Mass.	Newark, N.J.
Buffalo, N.Y.	New Orleans, La.
Chicago, Ill.	New York, N.Y.
Cleveland, Ohio	Philadelphia, Pa.
Dallas, Tex.	Port Everglades, Fla.
Detroit, Mich.	Portland, Oreg.
Honolulu, Hawaii.	San Diego, Calif.
Houston, Tex.	San Francisco, Calif.
Los Angeles, Calif.	San Juan, P.R.
Miami, Fla.	Seattle, Wash.

(4) Shipper's Export Declarations with all required licenses for review of licensing and statistical requirements must be presented to the Customs Director by the exporter or his agent (the agent may be the airline) prior to lading of the cargo at the port of origin. Additional copies of Shipper's Export Declarations needed to comply with requirements of other Government agencies as well as any other documents to accompany the shipment to the port of exportation shall be presented also at this time. Any required export declaration correction forms shall be filed in triplicate at the port of origin.

(5) After authentication by the Customs Director at the port of origin the original and duplicate copies shall be returned by the Customs Director to the person presenting the export declarations, and those copies shall be delivered to the domestic airline transporting the cargo to the port of exportation.

(6) The domestic airline transporting export cargo from the port of origin to the port of exportation shall deliver the original and duplicate copies of the export declaration to the exporting carrier.

(7) The exporting carrier shall present the original and duplicate copies of the export declarations with the cargo manifest to Customs at the port of exportation.

(8) The provisions of this paragraph apply only to air cargo laden aboard a domestic flight at one of the designated ports of origin listed in subparagraph (3) of this paragraph and transferred to an international flight at another U.S. port for exportation therefrom.

§ 30.37 Exceptions from the requirement for reporting complete commodity detail on the Shipper's Export Declaration.

(a) Where it can be determined that particular types of U.S. Government shipments, or shipments for Government projects, are of such nature that they should not be included in the export statistics, and further, where no detriment to the export control program would be involved, special arrangements can sometimes be made to waive compliance with specific portions of the requirements of § 30.7 with respect to the reporting of detailed information on the Shipper's Export Declarations. Such exceptions will be made only upon application by the exporter and specific authorization by the Customs Director and the

exporter for the particular project or shipment, approved by both the Bureau of the Census and the Office of Export Control, and will be conditioned upon a prescribed identification which must appear upon the declarations. The particular types of shipments for which such exceptions may be possible are as follows:

(1) Shipments to National Aeronautics and Space Administration tracking systems.

(2) Shipments to a contractor under a Department of Defense or other armed service contract for the construction of facilities for the use of the U.S. armed services.

(3) Temporary exports by or to U.S. Government agencies.

(4) Shipments of supplies and material to contractors in the Panama Canal Zone for the construction and/or maintenance of the Panama Canal Zone and its facilities.

(b) Special exemptions to specific portions of the requirements of § 30.7 with respect to the reporting of detailed information on the Shipper's Export Declaration may also be granted by the Bureau of the Census with the concurrence of the Office of Export Control for certain Department of Defense shipments, or shipments made on behalf of the Department of Defense, to foreign governments under the cash reimbursable provisions of the Mutual Defense Assistance Program (military sales), if and when arrangements have been made for the Bureau of the Census to obtain the desired statistical information other than through the reporting of complete commodity detail on the Shipper's Export Declaration.

§ 30.38 [Reserved]

§ 30.39 Monthly declarations for specified types of air shipments.

(a) A Customs Director, if he finds that no administrative difficulties are involved, may authorize the filing of one Shipper's Export Declaration per month, in lieu of a declaration for each shipment as required by § 30.6, for the following types of frequently recurring shipments by air from a single consignor from one U.S. airport to one country of destination and one port of unloading via a single airline:

(1) Newspapers and magazines.
(2) Newsreel films, mats, proofs, etc.
(3) Airline timetables being shipped by the airline.

(4) Shipments of registered carrier stores by a United States or Canadian airline to each of its installations or agents abroad which are exported under General License RCS of the Export Regulations set forth in § 371.13(d) of this title.

(b) Such authorization will be subject to the requirement that a declaration covering all such shipments made during the month named on the declaration will be filed by the consignor with the Customs Director no later than the third working day of the month following the month covered, and also, except for ship-

ments under paragraph (a) (4) of this section, subject to the requirement that a Continuation Sheet or other attachment filed with the declaration will list the names of the individual consignees and the number of items shipped to each. Authorization for the filing of monthly declarations for the types of shipments listed above may be denied by the Customs Director, and authorizations which he has given may be terminated by him.

§ 30.40 Single declaration for multiple consignees.

As a further exception to the requirements of § 30.6, Shippers are authorized, subject to the approval of the Customs Director, to file one Shipper's Export Declaration (in duplicate) for all shipments, other than those made to U.S. Government agencies, offices, establishments, or representatives of any of these, which are laden on one vessel or aircraft and destined to go to one port in Puerto Rico, any U.S. Possession, or the Canal Zone. For such shipments no consignee information need be furnished whether such shipments are made to one or several consignees.

Subpart D—Exemptions From the Requirements for the Filing of Shipper's Export Declarations

§ 30.50 Procedure for shipments exempt from the requirements for Shipper's Export Declarations.

Except as provided below, where an exemption from the requirement for the filing of a Shipper's Export Declaration is provided in this subpart, a notation describing the basis for the exemption shall be made on the bill of lading, air waybill, or other loading document for carrier use, with a reference to the number of the section in this part where the particular exemption is provided so that the carrier at the time of lading, and the Customs Director at the time of exportation, may verify that no declaration is required. If none of the above named documents is used, the person transporting the merchandise must be prepared to identify to the Customs Director at the port of exportation, at the time of exportation but prior to departure, any merchandise which is exempt from the requirement for the filing of a Shipper's Export Declaration and explain to the Customs Director the basis for the exemption. Where shipments are exempt from the requirement for Shipper's Export Declarations on the basis of value and destination, the appearance of the value and destination on the bill of lading, air waybill, or other loading document for carrier use, shall be acceptable as evidence of the exemption, and no reference need be made to the particular section of the regulations in this part where the exemption is provided.

§ 30.51 Government shipments not generally exempt.

Except as provided below in this subpart, Shipper's Export Declarations are required for exports by or to U.S. Government agencies, whether or not shipped on a Government bill of lading.

No general exemption is provided for Government shipments, as such.

§ 30.52 Special exemptions for shipments to the U.S. armed services.

Shipper's Export Declarations are not required for the following types of shipments to the U.S. armed services:

(a) All commodities, whether shipped commercially or through Government channels, consigned to the United States armed services for their exclusive use, including shipments to armed services exchange systems. (This exemption does not apply to shipments which are for the ultimate use of the U.S. armed services but which are not consigned to the U.S. armed services. However, special exceptions to the requirements of the regulations in this part which may in some circumstances apply to shipments for the ultimate use of the U.S. armed services but not so consigned are provided in § 30.37.)

(b) Department of Defense Military Assistance Program Grant-Aid shipments being transported as Department of Defense cargo under the provisions of Bureau of Customs Circular Letters VES-5-MA, March 8, 1954 (MC 133), VES-5-MA, June 17, 1954 (MC 133 S.1), VES-5-MA, May 24, 1956 (MC 133 S.2) and RES-20-MC, January 25, 1960 (CC 76). Under arrangements with the Department of Defense, information on these shipments for inclusion in U.S. export statistics will be furnished directly to the Bureau of the Census by the Department of Defense. This exception from the filing of Shipper's Export Declarations does not apply to Military Assistance Program Grant-Aid shipments to which a foreign government has taken title before exportation or to any Grant-Aid Military-Aid Program shipment moving in any manner other than as Department of Defense cargo. (See § 30.37 for possible exceptions to the full reporting requirements of § 30.7 for certain military sales shipments not exempt from the requirement for the Shipper's Export Declaration.)

§ 30.53 Special exemptions for certain shipments to U.S. Government agencies and employees.

Shipper's Export Declarations are not required for the following types of shipments to U.S. Government agencies or employees:

(a) Office furniture, office equipment, and office supplies shipped to and for the exclusive use of U.S. Government offices.

(b) Household goods and personal property shipped to and for the exclusive and personal use of U.S. Government employees.

(c) Food, medicines, and related items and other commissary supplies shipped to U.S. Government offices or employees for the exclusive use of such employees, or to U.S. Government employee cooperative or other associations for subsequent sale or other distribution to such employees.

(d) Books, maps, charts, pamphlets, and similar articles shipped by U.S. Government offices to U.S. or foreign libraries or government establishments.

(e) All commodities shipped to and for the exclusive use of the Panama Canal Zone Government or the Panama Canal Company.

§ 30.54 Special exemptions for mail shipments.

Shipper's Export Declarations are not required for the following kinds of shipments by mail:

(a) Shipments (except shipments requiring a validated export license) where one or more of the following conditions are present:

(1) Either the consignor or the consignee is not a business concern.

(2) The shipment is valued less than \$100.

(3) The goods are not mailed for commercial consideration.

(b) Technical data regardless of value, licensing requirements, and the other criteria set forth in paragraph (a) of this section.

§ 30.55 Miscellaneous exemptions.

Shipper's Export Declarations are not required for the following kinds of shipments:

(a) Diplomatic pouches and their contents.

(b) Human remains and accompanying appropriate receptacles and flowers.

(c) Shipments from one point in the United States to another thereof by routes passing through Mexico or Canada.

(d) Shipments from one point in Canada or Mexico to another point thereof by routes through the United States.

(e) Air shipments of merchandise, for which no licensing or other export control requirements are applicable, transported in bond through the United States for exportation from another U.S. airport or for exportation by air directly from the port of arrival, in accordance with the transit air cargo procedure as outlined in 19 CFR 6.17 through 6.24 (Customs Regulations).

(f) Shipments to foreign libraries or government establishments, as provided in § 30.53(d).

(g) Shipments of single gift parcels as encompassed by Office of Export Control General License GIFT.

(h) Shipments (except shipments requiring a validated export license or moving under Office of Export Control General License GLV) to all countries (except Cuba) in North and South America (as listed in Schedule C), to the U.S. Possessions, and between the United States and Puerto Rico, where the value of the commodities classified under a single Schedule B number and shipped on the same exporting carrier from one exporter to one importer is less than \$100: *Provided*, That in order to adequately maintain factors for estimating the statistics on under \$100 shipments, the Bureau of the Census may from time to time require the complete enumeration of such shipments for selected periods.

§ 30.56 Conditional exemptions.

Shipper's Export Declarations are not required for the following classes of commodities when they are not shipped as cargo under a bill of lading or an air waybill and do not require a validated export license, but the exporter should be prepared to make oral declaration to the Customs Director, if required:

(a) Baggage and personal effects, accompanied or unaccompanied, of persons leaving the United States, including members of crews on vessels and aircraft, such as:

(1) Usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, toilet articles, medicinal supplies, food, souvenirs, games, and similar personal effects and their containers.

(2) Usual and reasonable kinds and quantities of furniture, household effects, household furnishings, and their containers.

(3) Usual and reasonable kinds and quantities of vehicles, such as passenger cars, station wagons, trucks, trailers, motorcycles, bicycles, tricycles, perambulators, and their containers: *Provided*, That the above-indicated baggage and personal effects (i) shall include only such articles as are owned by such person or members of his immediate family; (ii) shall be in his possession at the time of or prior to his departure from the United States for the foreign country; (iii) are necessary and appropriate for the use of such person or his immediate family; (iv) are intended for his use or the use of his immediate family; and (v) are not intended for sale.

(b) Tools of trade of persons leaving the United States covering usual and reasonable kinds and quantities of implements, instruments and tools of trade, occupation, or employment and their containers: *Provided*, That the above-indicated tools of trade (1) shall include only such articles as are owned by such person; (2) shall be in his possession at the time of or prior to his departure from the United States for a foreign country; (3) are necessary and appropriate and intended for the personal use of such person; and (4) are not intended for sale.

(c) Carriers' stores (including merchandise carried in shops aboard carriers for sale to passengers), supplies, and equipment for departing vessels, planes, or other carriers, including usual and reasonable kinds and quantities of bunker fuel, deck engine, and steward department stores, provisions and supplies, medicinal and surgical supplies, food stores, slop chest articles, and saloon stores or supplies for use or consumption on board and not intended for unloading in a foreign country, and including usual and reasonable kinds and quantities of equipment and spare parts for permanent use on the carrier when necessary for proper operation of such carrier and not intended for unloading in a foreign country. Hay, straw, feed, and other appurtenances necessary to the care and feeding of livestock while enroute to a foreign destination are con-

sidered part of carriers' stores of carrying vessels, trains, planes, etc.

(d) Dunnage of usual and reasonable kinds and quantities necessary and appropriate to stow or secure cargo on the outgoing or any immediate return voyage of an exporting carrier, when exported solely for use as dunnage and not intended for unloading in a foreign country.

§ 30.57 Information on export declarations for shipments of types of goods covered by § 30.56 not conditionally exempt.

(a) In those cases where Shipper's Export Declarations are required for articles enumerated in § 30.56 (a) through (d) only by virtue of their being shipped under a bill of lading or an air waybill (no validated license is required) the export declaration should clearly indicate in column 10, in lieu of the complete commodity description, that the shipment consists of baggage, personal effects, household effects, ship's stores, crew's effects, or as appropriate. In such cases, Schedule B commodity numbers should not be shown on the declarations.

(b) In those cases where the articles enumerated in § 30.56 (a) through (d) require a validated export license (whether or not shipped under a bill of lading or an air waybill), the Shipper's Export Declaration must identify the shipment as baggage, personal effects, etc., and must contain all the information normally required for any exportation made under a validated export license, i.e., complete commodity description, license number, Schedule B number, quantity, value, etc.

Subpart E—General Requirements—Importers

§ 30.70 Statistical information required on import entries.

Information for statistics on merchandise entering the United States from foreign countries, from the Virgin Islands of the United States, and from U.S. Foreign Trade Zones is required to be reported by importers on the following Customs entry and withdrawal forms respectively required by U.S. Customs regulations for individual transactions: Customs Forms 7500, 7501, 7502, 7505, 7506, 7519, 7521, and 7535, and Customs Form 7512 when used to document withdrawal for exportation, transportation and exportation, withdrawal for transportation and exportation, and immediate export. The following items of information for statistics shall be reported on the respective forms:¹⁰

(a) *District and Port Code.* (All forms.) The Customs district code number and the port code number (as shown in Schedule D, "Code Classification of U.S. Customs Districts and Ports") for the Customs port of entry or filing shall be supplied. (Where Customs does not

¹⁰ The information required for statistical purposes is in most cases also required by Customs regulations for other purposes. (See § 30.80 for special reporting instructions for merchandise entering U.S. Customs Territory from U.S. Foreign Trade Zones.)

require that the District and Port codes be inserted by importers, the codes will be filled in by Customs so that all entries and withdrawals received by the Bureau of the Census will bear these codes.)

(b) *Importing vessel or carrier.* (1) (Customs Forms 7501, 7502, 7512, and 7521.) Information is required as to the carrier or means of transportation by which the merchandise was transported from a foreign country to the first port of unloading in the United States. If the merchandise has been further transported in bond between ports in the United States after having been unladen from the carrier on which it arrived in the United States, the name of the domestic carrier shall not be substituted, and the information furnished shall reflect the name of the carrier or means of transportation by which the merchandise arrived in the first United States port of unloading.

(2) For merchandise arriving in the United States by vessel, the name of the importing vessel is required. The importing vessel is the vessel which transported the merchandise from the foreign port of lading to the first United States port of unloading.

(3) For merchandise arriving in the United States by air, the name and nationality of the importing airline is required. The importing airline is the airline which carried the merchandise from the foreign port of lading to the first United States port of unloading, and not a domestic airline carrying the merchandise after the initial unloading in the United States.

(4) For merchandise arriving in the United States by means of transportation other than vessel or air, the means of transportation from the foreign country is required, in such terms as "parcel post," "registered mail," "railroad," "truck," "pipeline," etc.

(c) *Foreign port of lading.* (1) (Customs Forms 7501, 7502, 7512, and 7521.) For merchandise arriving in the United States by vessel or air, the name and country of the foreign port at which the merchandise was actually loaded on the vessel or aircraft which carried the merchandise to the United States is required.

(2) For merchandise transshipped abroad in the course of shipment to the United States, whether or not covered by a through bill of lading, the information furnished shall reflect only the foreign port at which the merchandise was loaded on the vessel or aircraft which transported it to the first U.S. port of unloading. Neither the foreign port of original lading nor any port of lading other than the last foreign port of lading shall be substituted. When a single Customs form covers merchandise loaded at more than one foreign port, the foreign port of lading shall be indicated separately above each item (or group of items) for the merchandise loaded at each foreign port.

(d) *U.S. port of unloading.* (1) (Customs Forms 7501, 7502, 7512, and 7521.) For merchandise arriving in the United States by vessel or air, the U.S. port (as listed in Schedule D) at which the mer-

chandise was unloaded from the importing vessel or aircraft is required, whether or not such port is a Customs port of entry. (For example, if entry is filed at the Port of Los Angeles for merchandise unloaded from the importing vessel at Long Beach, Calif., the entry should show Long Beach as the port of unloading.)

(2) When merchandise is transported in bond from the U.S. port where unladen from the importing vessel or carrier to another U.S. port or ports to be entered for consumption or warehouse, the port of unloading required to be shown on the consumption or warehouse entry is the port or point where the merchandise was unladen from the importing vessel or carrier before transportation in bond.

(e) *Date of importation.* (All forms.) For merchandise arriving in the United States by vessel, the month, day, and year on which the importing vessel transporting the merchandise from the foreign country arrived within the limits of the U.S. port at which the merchandise was or is to be unladen is required. The date of importation to be reported for merchandise arriving in the United States other than by vessel is the date on which the merchandise arrives within the limits of the United States.

(f) *Country of origin.* (1) (All forms.) Country of origin shall be reported in the "marks and numbers and country of origin" column on entry and withdrawal forms (in the "marks and numbers" column on Forms 7512 and 7500), the "country of origin" space on the Special Customs Invoice form, and in a conspicuous place on commercial invoices supplied to Customs where the Special Customs Invoice form is not required. On multipage entries, country of origin should be shown on each page.

(2) Country of origin shall be reported in terms of the names designated in Schedule C, "Classification of Country Designations Used in Compiling the U.S. Foreign Trade Statistics," unless a more specific geographic area is required to be shown for other purposes. The country of origin is defined as the country in which the product was mined, grown, or manufactured. Further labor, work or material added to an article in another foreign country or the Virgin Islands of the United States must effect a substantial transformation in order to render such other country the "country of origin." Such substantial transformations include smelting of ores, refining of crude products, and the like. The country of origin is not changed when the merchandise is subjected in another country merely to minor manipulations, such as sorting, grading, and the like. When the merchandise is invoiced in or exported from a country other than that in which it originated, the actual country of origin shall be specified rather than the country of invoice or exportation. The country of origin for imports of scrap and waste is the country in which the merchandise was reduced to scrap or waste. In the case of such commodities as industrial diamonds or antiques, if the origin of the merchandise

is not known or cannot be ascertained with reasonable effort, the country from which the merchandise has been shipped shall be shown and shall be indicated as the "Country of Shipment."

(3) Except as provided below, the country of origin shown on import entries and withdrawals should be based on information furnished by the foreign supplier on import invoices. The importer should inform his foreign supplier of the requirements and definitions of this section and instruct the foreign supplier to furnish information on the invoice as to country of origin in accordance with the above definition. If an invoice from the foreign supplier is not available at the time of entry, the importer shall enter the correct country of origin according to his best knowledge. In any case where the importer has reliable knowledge that the country of origin shown on the invoice is incorrect, he shall enter on the form the correct country of origin according to his best knowledge, indicating that it is a correction.

(4) When a single Customs form covers merchandise from more than one country of origin, the country of origin shall be indicated separately against each item (or group of items).

(g) *Description of merchandise.* (All forms.) Except on Customs Form 7512 when used as a Transportation and Exportation (T and E) or Immediate Exportation (IE) entry, the description of merchandise shall be in terms of the Tariff Act in accordance with the "Tariff Schedules of the United States Annotated for Statistical Reporting" (TSUSA) and in sufficient detail to permit the identification of the TSUSA statistical reporting number to which each commodity properly belongs. The name of the commodity and any and all characteristics of the commodity which distinguish it from commodities of the same name covered by other TSUSA statistical reporting numbers shall be clearly and fully stated. For merchandise classified in TSUSA classifications for which the instruction "specify by name" is shown in TSUSA the specific name of the commodity or a further identifying description in addition to the description in the more general terms of the commodity classification definition is required. When Customs Form 7512 is used as a Transportation and Exportation, or Immediate Exportation entry, the description of the merchandise shall be in sufficient detail to permit the verification of the commodity classification reporting number in terms of Schedule W, "Statistical Classification of U.S. Waterborne Exports and Imports."

(h) *Gross weight in pounds.* (Customs Forms 7501, 7502, 7512, and 7521, for merchandise transported to the United States by vessel or air only.) Gross shipping weight in pounds shall be reported in column (2a) immediately below the description of merchandise (in "Gross Weight in Pounds" column on Form 7512 on the same horizontal line with value). Separate gross weight information is required for the merchan-

dise covered by each reporting number, but if gross weight is not available for each reporting number included in one or more packages, approximate shipping weight for each item shall be estimated and reported. The total of these estimated weights should equal the actual gross shipping weight of the entire package or packages. However, for containerized cargo carried in lift vans, cargo vans, or similar substantial outer containers, the weight of such containers should not be included in the gross shipping weight of the merchandise covered by each reporting number.

(i) *Net quantity.* (All forms except 7535.) When a unit of quantity is specified in TSUSA for the reporting number under which the item is reported, net quantity shall be reported in the specified unit, and (except where the unit is "No." (number)) the unit in which reported shall also be shown on the entry following the net quantity figure. In cases where two units of quantity are shown for the commodity in TSUSA, net quantity shall be reported on the import entry in each of the specified units with the unit indicated in each case. The quantity in terms of the unit marked with a superior "v" in TSUSA should be shown on the entry on the same horizontal line with the value. The quantity in terms of any other units specified in TSUSA should be shown below the first quantity and should be enclosed in parentheses. If no unit of quantity is specified in TSUSA for the reporting number under which the item is reported, net quantity is not required to be reported on the import entry, and an "X" shall be entered in the "net quantity" column. Where the unit of quantity specified in TSUSA is "tons," long tons of 2,240 pounds shall be reported unless short tons of 2,000 pounds are specified in TSUSA. Quantities shall be shown in whole units unless fractions of units are required for Customs purposes.

(j) *Value.* (All forms.) The dollar value shall be reported on the form in accordance with the definition in section 402 or 402a of the Tariff Act of 1930, as amended, for all merchandise including merchandise free of duty or dutiable at specific rates.

(k) *TSUSA reporting number.* (All forms except 7512 when used as an in-transit entry.) The reporting number according to the current edition of the "Tariff Schedules of the United States Annotated" shall be shown in the column provided on the form. The reporting number assigned shall reflect the correct TSUSA classification of the merchandise and be consistent with the rate of duty applicable to the commodity. Where correct reporting as indicated in TSUSA requires the use of more than one TSUSA commodity number, all required reporting numbers will be shown for an item on the Customs form.

(l) *Schedule W reporting number.* (Customs Form 7512 when used as a Transportation and Exportation or Immediate Exportation Entry.) The reporting number, according to the current edition of Schedule W, "Statistical

Classification of U.S. Waterborne Exports and Imports," is required to be shown in the column provided on the form for "Description and Quantity of Merchandise." This code should appear to the right of that column, on the same line as the reported gross weight and value.

Subpart F—Special Provisions for Particular Types of Import Transactions

§ 30.80 Merchandise entering U.S. Customs Territory from U.S. Foreign Trade Zones.

The information for statistics on merchandise entering U.S. Customs Territory from U.S. Foreign Trade Zones to be reported on the Customs entry and withdrawal forms required by U.S. Customs Regulations is the same as that required to be reported for merchandise entering the United States directly from foreign countries, except as provided or more fully explained below.

(a) *Importing vessel or carrier.* (Customs Forms 7500, 7501, 7502, 7505, 7506, 7512,¹¹ and 7521.) Information is required as to the carrier (name of vessel or airline) or means of transportation by which the merchandise was transported from the foreign country to the U.S. Foreign Trade Zone. If an import entry covers merchandise which arrived at the Foreign Trade Zone in more than one vessel or aircraft, the name of the vessel or airline shall be indicated separately against each item (or group of items) comprising the cargo of each different vessel or aircraft.

(b) *Foreign port of lading.* (Customs Forms 7501 and 7502.) For merchandise which arrived by vessel or air, the name and country of the foreign port at which the merchandise was loaded on the vessel or aircraft that carried it to the U.S. Foreign Trade Zone or to the first U.S. port of unloading prior to entry into the Zone is required.

(c) *U.S. port of unloading.* (Customs Forms 7501 and 7502.) For merchandise which arrived by vessel or air, the name of the U.S. Foreign Trade Zone where the merchandise was unloaded from the vessel or aircraft or the first U.S. port of unloading where it was unloaded prior to entry into the Zone, as the case may be, is required.

(d) *Date of importation.* (All forms.) The month, day and year on which the importing vessel or carrier which transported the merchandise from the foreign country arrived at the U.S. Foreign Trade Zone at which it was unladen is required to be shown immediately following the name of the vessel or carrier. In such cases, the date required to be shown as the date of importation is the date the merchandise entered U.S. Customs Territory from the U.S. Foreign Trade Zone. For "privileged foreign merchandise" the date required to be shown as date of importation is the date

¹¹ Not required on Customs Form 7512 for merchandise being shipped in transit through the United States from a U.S. Foreign Trade Zone to a foreign country.

Customs Form 7502 was filed in application for privileged status.

§ 30.81 [Reserved]

§ 30.82 Identification of U.S. merchandise returned for repair and re-export.

Import entries covering U.S. merchandise imported temporarily for repair or alteration and reexport are required to show the following statement: "Imported for Repair and Reexport."

§ 30.83 Statistical copy of mail and informal entries.

(Customs Forms 3419, 3420, 3421, 5119, and 5119A). A legible copy of all mail and informal entries is required for statistical purposes. In addition to the information required to be shown for Customs purposes, the value is also required to be shown for all merchandise including that not subject to duty.

Subpart G—General Administrative Provisions

§ 30.90 Confidential information, import entries and withdrawals.

The contents of the statistical copies of import entries and withdrawals on file with the Bureau of the Census are treated as confidential and will not be released without authorization by the Bureau of Customs, in accordance with the policy set forth in 19 CFR 26.4 (Customs Regulations) relating to the copies on file in Customs offices.

§ 30.91 Confidential information, Shipper's Export Declarations.

(a) *Confidential status.* The Shipper's Export Declaration is an official Department of Commerce form, prescribed jointly by the Bureau of the Census and the Bureau of International Commerce. Information supplied thereon is confidential, for use solely for official purposes authorized by the Secretary of Commerce. Use for unauthorized purposes is not permitted. Information on Shipper's Export Declarations may not be disclosed to anyone except the exporter or his agent by those having possession of or access to any copy for official purposes, except as provided in paragraph (e) of this section.

(b) *Copying of information to manifests not permitted.* Since certain types of information from the outward manifests of ocean carriers can be made public under the provisions of the Customs Regulations, carriers are not permitted to copy information to manifests (or to bills of lading used in lieu of a listing of cargo on a manifest) from Shipper's Export Declarations in their possession for official purposes, except for (1) the authentication number of the declaration, (2) information on the declaration which is identical with bills of lading or other sources of information available to the carrier, and (3) items of information which are required by export control regulations to be identical or consistent on both documents.

(c) *Supplying of copies by exporters for unofficial purposes not permitted.*

The regulations in this part spell out precise definitions to be followed in reporting information on Shipper's Export Declarations. Strict adherence to these definitions is necessary if the official purposes for which the forms are required are to be effectively accomplished. Because of the possibility that for other purposes different definitions would be appropriate, the supplying by exporters of any copies (or of the information from copies) for any unofficial purpose is considered detrimental to official objectives and is not permitted.

(d) *Limitations on issuance and reproduction of authenticated copies.* Consistent with the policy stated in paragraph (c) of this section, and with the confidential status of the document generally, an authenticated declaration may not be reproduced in any form, except for official purposes, and the following limitations are placed upon the issuance of authenticated or certified copies to exporters or their agents:

(1) A copy of Shipper's Export Declaration authenticated by a Customs Director by certification, validation by numbering stamp, or any other method may be supplied to exporters or their agents only where such a copy is needed by the exporter to comply with: (i) Official requirements for presentation of a copy to the exporting carrier as authorization for export, (ii) export control requirements, (iii) U.S. Department of Agriculture requirements for proof of export in connection with subsidy payments, or (iv) U.S. Internal Revenue Service requirements for proof of export for shipments of leaf tobacco. Copies issued to exporters or their agents under subdivision (ii), (iii), or (iv) of this subparagraph will be stamped as follows by the Customs Director:

Certified pursuant to the export control regulations or to fulfill the requirements of a Federal Agency and not for any other purpose. May not be reproduced in any form.

All copies of the Shipper's Export Declaration not used for the purposes for which they are authenticated shall be returned to the Customs Director making the authentication.

(2) Use of copies of the Shipper's Export Declaration in connection with claims for exemption from internal revenue taxes (except as provided above) or State taxes is not permitted. Bureau of Customs Circular Letter EXP-4-MC, September 25, 1953 (CL-2861) provides for a Proof of Export Form which may be certified by Customs officers for these purposes.

(e) *Determination by the Secretary of Commerce.* When the Secretary of Commerce determines that the withholding of information provided by an individual Shipper's Export Declaration is contrary to the national interest, he may make such information available, taking such safeguards and precautions to limit dissemination as he deems appropriate under the circumstances. In recommendations regarding such actions, the Bureau of the Census will, in general, consider that it is not contrary to the national interest to withhold information

on Shipper's Export Declarations from private individuals or businesses (except the exporter or his agent) or from State or local government agencies or officials, regardless of the purposes for which the information may be requested. In recommendations regarding any other requests for access to official copies, a judgment in the light of circumstances will be made as to whether it is contrary to the national interest to withhold the information, keeping in view that the maintenance of confidentiality has in itself an important element of national interest.

§ 30.92 Statistical classification schedules.

The following statistical classification schedules referred to in the regulations in this part are hereby incorporated by reference. Information as to where copies may be obtained is indicated. Copies are available for public inspection at the offices of local Customs Directors and Department of Commerce Field Offices.

TSUSA—Tariff Schedules of the United States Annotated for Statistical Reporting. 1965 edition, as currently revised, shows the 7-digit statistical reporting number to be used in preparing import entries and withdrawal forms. TSUSA may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, local Customs Directors, or Department of Commerce Field Offices located in principal cities. Purchase price includes the basic schedule plus revisions as currently issued for an indefinite period.

Schedule B—Statistical Classification of Domestic and Foreign Commodities Exported from the United States. 1965 edition as currently revised, shows the detailed commodity classification requirements and 7-digit statistical reporting numbers to be used in preparing Shipper's Export Declarations, as required by the regulations in this part. Schedule B may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, local Customs Directors, or Department of Commerce Field Offices located in principal cities. Purchase price includes the basic schedules and supplements issued irregularly, covering revisions in the schedule for an indefinite period.

Schedule C—Classification of Country Designations Used in Compiling the U.S. Foreign Trade Statistics. 1966 edition as currently revised. Free from the Bureau of the Census, Washington, D.C. 20233.

Schedule D—Code Classification of U.S. Customs Districts and Ports. 1966 edition, as currently revised. Free from the Bureau of the Census, Washington, D.C. 20233.

Schedule P—Commodity Classification for Reporting Shipments from Puerto Rico to the United States. 1965 edition, as currently revised. Free from the Bureau of the Census, Washington, D.C. 20233.

Schedule W—Statistical Classification of U.S. Waterborne Exports and Imports. 1966 edition, as currently revised. Free from the Bureau of the Census, Washington, D.C. 20233.

§ 30.93 Emergency exceptions.

In individual cases of emergency, where strict enforcement of the regulations in this part would create undue hardship, the Foreign Trade Division of the Bureau of the Census, with the concurrence of the Office of Export Control

in cases where export control requirements are also involved, may authorize such postponements of or exceptions to the requirements of the regulations in this part as are warranted by the circumstances and not inconsistent with the aims of this chapter.

§ 30.94 Instructions to Customs.

Instructions of a continuing nature to Customs with respect to the forwarding of statistical copies of forms and the preparation of special statistical reports not involving requirements upon the public will not be included in the regulations in this part, but will, instead, be transmitted to Customs through appropriate administrative channels.

§ 30.95 Penalties for violations.

Any person who violates any provisions of this part, except for violations of the provisions relating to delayed filing of documents under bond as provided by § 30.24, shall be liable to the United States in civil penalty not exceeding \$1,000 for each violation, as authorized by section 305 of chapter 9 of title 13 of the United States Code.

A. ROSS ECKLER,
Director, Bureau of the Census.

I concur:

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of
the Treasury.

[F.R. Doc. 66-9338; Filed, Aug. 26, 1966;
8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 614—REGULATIONS TO IMPLEMENT THE EX-SERVICEMEN'S UNEMPLOYMENT COMPENSATION PROGRAM UNDER TITLE XV OF THE SOCIAL SECURITY ACT, AS AMENDED

Schedules of Remuneration

The enactment of an amendment to the Uniformed Services Pay Act of 1963 (P.L. 89-501, 80 Stat. 275) makes it necessary to amend 20 CFR 614.17, which contains the schedule of remuneration for each pay grade of ex-servicemen for use in the administration of the Ex-Servicemen's Unemployment Compensation Program.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because this rule relates to public benefits. I do not believe such procedure will serve a useful purpose here. Accordingly, this amendment shall become effective immediately.

Therefore, under the authority contained in section 1509, Title XV of the

Social Security Act, as amended (68 Stat. 1135, 42 U.S.C. 1369) and section 1511(c), Title XV of the Social Security Act, as amended (72 Stat. 1088, 42 U.S.C. 1371), I hereby amend 20 CFR 614.17 to add a new paragraph (e) reading as follows:

§ 614.17 Schedule of remuneration.

(e) The schedule provided in this paragraph is applicable with respect to a first claim for compensation under the Ex-Servicemen's Unemployment Compensation Act of 1958 filed on or after October 1, 1966.

Pay grades	Monthly rate	
	With 2 years of service or less	With over 2 years of service
1. Commissioned officer:		
O-10.....	\$1,706	\$2,278
O-9.....	1,543	2,043
O-8.....	1,424	1,869
O-7.....	1,230	1,662
O-6.....	951	1,396
O-5.....	797	1,209
O-4.....	696	1,036
O-3.....	648	886
O-2.....	546	670
O-1.....	486	522
2. Warrant officer:		
W-4.....	670	945
W-3.....	618	817
W-2.....	555	711
W-1.....	485	623
3. Enlisted personnel:		
E-9.....		772
E-8.....		696
E-7.....	469	626
E-6.....	423	554
E-5.....	383	487
E-4.....	335	395
E-3.....	270	307
E-2.....	246	263
E-1.....	239	241

(42 U.S.C. 1369, 1371)

Signed at Washington, D.C., this 22d day of August 1966.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 66-9374; Filed, Aug. 26, 1966; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

SUBCHAPTER C—DRUGS

PART 131—INTERPRETATIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

Epinephrine Injection 1:1000 for Veterinary Use; Required Warning and Directions

Pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 502(f), 701(a), 52 Stat. 1051; 1055; 21 U.S.C. 352(f), 371(a)) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Educa-

tion, and Welfare (21 CFR 2.120; 31 F.R. 3008), Title 21 is amended as follows:

1. Part 3 is amended by adding the following new section:

§ 3.54 Epinephrine injection 1:1000 in 10-milliliter containers for emergency treatment of anaphylactoid shock in cattle, horses, sheep, and swine.

(a) Anaphylactoid reactions in cattle, horses, sheep, and swine occur occasionally from the injection of antibiotics, bacterins, and vaccines. Adequate directions for use of these antibiotics, bacterins, and vaccines can generally be written for use by the laity and thus are available to livestock producers. Epinephrine injection is effective for the treatment of anaphylactoid reactions in animals and would be of value in saving lives of animals if it were readily available at the time of administration of the causative agents. In connection with this problem the Food and Drug Administration has obtained the views of the Advisory Committee on Veterinary Medicine, and other experts, and has concluded that adequate directions for over-the-counter sale of epinephrine injection 1:1000 can be prepared.

(b) In view of the above, the Commissioner of Food and Drugs has concluded that it is in the public interest to make epinephrine injection 1:1000 available for sale without a prescription provided that it is packaged in vials not exceeding 10 milliliters and its label bears, in addition to other required information, the following statements in a prominent and conspicuous manner: "For emergency use only in treating anaphylactoid shock. Usual Dosage: Cattle, horses, sheep, and swine—1 cubic centimeter per 100 pounds of body weight. Inject subcutaneously."

(c) The labeling must also bear a description of the symptoms of anaphylactoid shock including glassy eyes, increased salivation, grinding of the teeth, rapid breathing, muscular tremors, staggering gait, and collapse with death following. These symptoms may appear shortly after injection of a bacterin, vaccine, or antibiotic.

2. Section 131.21 is amended by inserting therein in alphabetical order a new item reading as follows:

§ 131.21 Drugs for veterinary use; warning and caution statements required by regulations.

EPINEPHRINE INJECTION 1:1000 in 10-MILLILITER CONTAINERS FOR EMERGENCY TREATMENT OF ANAPHYLACTOID SHOCK IN CATTLE, HORSES, SHEEP, AND SWINE. (See § 3.54 of this chapter.)

The label for epinephrine injection 1:1000 packaged for over-the-counter sale for veterinary use must bear the following statements in a prominent and conspicuous manner: "For emergency use only in the treatment of anaphylactoid shock.

Usual dosage: Cattle, horses, sheep, and swine—1 cubic centimeter per 100 pounds of body weight. Inject subcutaneously."

The labeling must also bear a description of the symptoms of anaphylactoid shock including glassy eyes, increased salivation, grinding of the teeth, rapid breathing, muscular tremors, staggering gait, and collapse with death following. These symptoms may appear shortly after injection of a bacterin, vaccine, or antibiotic.

(Secs. 502(f), 701(a), 52 Stat. 1051; 1055; 21 U.S.C. 352(f), 371(a))

Dated: August 22, 1966.

J. K. KIRK,
Acting Commissioner of
Food and Drugs.

[F.R. Doc. 66-9362; Filed, Aug. 26, 1966; 8:47 a.m.]

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Streptomycin Sulfate, Streptomycin Hydrochloride, Streptomycin Phosphate, Streptomycin Trihydrochloride Calcium Chloride; Histamine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), the regulation prescribing the histamine test for the subject antibiotic drugs is revised to change the anesthetic requirement from "sodium phenobarbital" to "any suitable medium- or long-acting anesthetic which does not unduly affect the level or stability of the blood pressure." Accordingly, § 141b.105 is revised to read as follows:

§ 141b.105 Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride; histamine.

Use a healthy adult cat as the test animal. Determine weight and place under general anesthesia by intraperitoneal injection of any suitable medium- or long-acting anesthetic which does not unduly affect the level or stability of the blood pressure. Surgically expose the common carotid artery, separating it completely from all surrounding structures, including the vagus nerve, by blunt dissection. Cannulate for direct blood pressure measurement. Surgically expose the femoral vein. Start the recording kymograph and inspect the tracings for amplitude of excursion and relative stability of pressure. Determine the sensitivity of the animal by injecting into the femoral vein standard solutions of histamine made to contain the equivalent of 1.0 microgram of histamine base per milliliter. Make injections at not less than 5-minute intervals using doses of 0.05, 0.1, and 0.15 microgram of histamine base per kilogram. Repeat these injections, disregarding the first series of

readings, until the drop given by equivalent doses of histamine is relatively uniform. The fall in blood pressure given by 0.1 mcg./kg. of histamine base (not less than 20 millimeters of mercury) is subsequently employed as the standard in testing samples. The histamine standard is supplied on request. Inject 3 mg./kg. of the sample of streptomycin per milliliter maintaining the 5-minute injection schedule. If a significant drop is encountered the dose is repeated after the animal has been retested with the standard histamine. The animal may be used as long as it remains reasonably stable and responsive to histamine. The product is satisfactory if the fall in blood pressure obtained with 3 milligrams of streptomycin per kilogram of body weight is no greater than the fall obtained with 0.1 microgram of histamine base per kilogram of body weight. (Dogs may be substituted for cats in this test provided the ratio of the doses of streptomycin and histamine employed is the same.)

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since this amendment is made to improve the prescribed histamine test for the subject antibiotic drugs.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 22, 1966.

J. K. KIRK,
Acting Commissioner of
Food and Drugs.

[F.R. Doc. 66-9363; Filed, Aug. 26, 1966;
8:47 a.m.]

PART 166—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Listing of Lysergic Acid and Lysergic Acid Amide as Drugs Subject to Control; Confirmation of Effective Date

In the matter of listing lysergic acid and lysergic acid amide as depressant or stimulant drugs within the meaning of section 201(v) of the Federal Food, Drug, and Cosmetic Act:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371), and under the authority delegated by the Secretary of Health, Education, and Welfare to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of July 13, 1966 (31 F.R. 9492).

Accordingly, the amendment promulgated by that order will become effective September 11, 1966.

(Secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371)

Dated: August 22, 1966.

WINTON B. RANKIN,
Deputy Commissioner of
Food and Drugs.

[F.R. Doc. 66-9364; Filed, Aug. 26, 1966;
8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 4—OPEN-SPACE LAND

Subpart B—Relocation Payments

In Subtitle A a new Part 4 is added as follows:

- | | |
|-------|---|
| Sec. | Statement of applicable law. |
| 4.100 | Definitions. |
| 4.101 | Relocation payments by the Agency. |
| 4.102 | Eligibility conditions—moving expenses, actual direct loss of property, and settlement costs. |
| 4.103 | Eligibility conditions—small business displacement payment. |
| 4.104 | Eligibility conditions—relocation adjustment payment. |
| 4.105 | Vacation of real property within 18 months after acquisition by Agency. |
| 4.106 | Notice of intention to move. |
| 4.107 | Administration of relocation payments program. |
| 4.108 | Fixed relocation payments to individuals and families for moving expenses. |
| 4.109 | Determining moving expenses of business concern. |
| 4.110 | Determining actual direct loss of property. |
| 4.111 | Filing of claims. |
| 4.112 | Limitation on amount of relocation payments. |
| 4.113 | Determinations in condemnation proceedings. |
| 4.114 | |

AUTHORITY: The provisions of this Part 4 issued under sec. 7(d), P.L. 89-174, 79 Stat. 670, 5 U.S.C. 624d(d); sec. C, 2, of Secretary's delegation to Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8964, June 29, 1966).

§ 4.100 Statement of applicable law.

Section 404(a) of the Housing and Urban Development Act of 1965, 42 U.S.C. 3074(a), provides that financial assistance extended to any applicant under the Open-Space Land Program under Title VII of the Housing Act of 1961, as amended, 42 U.S.C. 1500, may include grants for relocation payments made on such terms and conditions and subject to such limitations as are set forth in sections 114 (b), (c), and (d) of the Housing Act of 1949, as amended, 42 U.S.C. 1465 (b), (c), and (d). Authority to issue regulations is included in the delegation to the Assistant Secretary for Re-

newal and Housing Assistance at 31 F.R. 8964, June 29, 1966.

§ 4.101 Definitions.

For the purpose of the regulations in this subpart, the following terms shall mean:

(a) **Actual direct loss of property.** Actual loss in the value of the property (exclusive of goods or other inventory kept for sale) sustained by the claimant by reason of the disposition or abandonment of the property resulting from the claimant's displacement. A loss resulting from damage to the property while being moved is not included.

(b) **Acquisition.** The obtaining by the Agency of title to, or the right to possession of, real property.

(c) **Agency.** A public body authorized to acquire real property in the locality for open-space use.

(d) **Base period.** The 2 tax years immediately preceding displacement (or, if the business concern is not in business that long, such other period as may be approved by HUD): *Provided*, That if a business concern does not qualify as a small business concern under paragraph (r) (2) of this section based upon the 2 tax years immediately preceding displacement and the Agency finds that its business activity during such period was not representative, the base period shall be the third and fourth tax years immediately preceding displacement.

(e) **Business concern.** A corporation, partnership, individual, or other private entity, including a nonprofit organization, engaged in some type of business (including farming), professional, or institutional activity necessitating fixtures, equipment, stock in trade, or other tangible property (including livestock) for the carrying on of the business, profession, or institution.

(f) **Claimant.** An individual, family, or business concern, as defined in this § 4.101; or, in the case of a claim for a relocation payment for settlement costs, an owner (or joint owners), other than a public entity, of real property, or interest therein, transferred to the Agency.

(g) **Family.** Two or more persons related by blood, marriage, or adoption, who are living together in a single dwelling unit.

(h) **Federal Grant Contract.** A contract between the Federal Government and the Agency under title VII of the Housing Act of 1961, as amended, 42 U.S.C. 1500, for a grant by the Federal Government for the acquisition of real property for open-space use.

(i) **HUD.** (1) Prior to November 9, 1965, the Housing and Home Finance Administrator; or (2) on and after November 9, 1965, the Housing and Home Finance Administrator in the Department of Housing and Urban Development pending appointment of the Secretary of Housing and Urban Development, and thereafter the Secretary of Housing and Urban Development; or (3) an employee duly authorized to perform the functions of such Administrator or Secretary.

(j) **Individual.** A person who is not a member of a family. An elderly in-

dividual is an individual 62 years of age or over at the time of displacement.

(k) *Moving expenses*—(1) *Individuals and families*. Costs of packing, storing (for a period of 1 year or less), carting, and insuring of property and incidental costs of disconnecting and reconnecting household appliances.

(2) *Business concerns*. Costs of dismantling, crating, storing (for a period of 1 year or less), transporting, insuring, reassembling, reconnecting, and reinstalling of property (including livestock and goods or other inventory kept for sale), exclusive of the cost of any additions, improvements, alterations, or other physical changes in or to any structure in connection with effecting such reassembly, reconnection, or reinstallation.

(l) *Project*. Undertakings and activities of any Agency in connection with the acquisition of real property for open-space use.

(m) *Project area*. The area acquired by the Agency, the acquisition of which is assisted under a Federal Grant Contract.

(n) *Property*. Tangible personal property, excluding fixtures, equipment, and other property which under State or local law are considered real property, but including such items of real property as the site occupant may lawfully remove.

(o) *Real property: Acquisition of; transfer of title to*. References to the acquisition of real property or to the transfer of title to real property or similar references are references to a fee simple title or lesser interest.

(p) *Relocation payment*. A payment by an Agency:

(1) To an individual or family, for reasonable and necessary moving expenses and any actual direct loss of property (for which reimbursement or compensation is not otherwise made);

(2) To a business concern, for its reasonable and necessary moving expenses and any actual direct loss of property except goodwill or profit (for which reimbursement or compensation is not otherwise made);

(3) To a small business concern, for its displacement (small business displacement payment);

(4) To or on behalf of a family or elderly individual, for relocation adjustment (relocation adjustment payment); or

(5) To an individual, family, or business concern for settlement costs (for which reimbursement or compensation is not otherwise made).

(q) *Settlement costs*. (1) Recording fees, transfer taxes, and similar expenses incidental to conveying real property to the Agency;

(2) Penalty costs for prepayment of any mortgage encumbering such real property; and

(3) The pro rata portion of real property taxes and public service charges allocable to a period subsequent to the date of vesting of title, or the effective date of the acquisition of such real property by the Agency, whichever is earlier.

(r) *Small business concern*. A business concern (other than a nonprofit organization) which during the base period had:

(1) Average annual net earnings before income taxes of less than \$10,000; and

(2) In the case of displacements prior to June 15, 1966, average annual gross receipts or sales in excess of \$1,500; or, in the case of displacements on and after June 15, 1966, average annual gross receipts or sales in excess of \$1,500 together with average annual net earnings before income taxes in excess of \$500, or average annual gross receipts or sales in excess of \$2,500.

Earnings for the purpose of this paragraph (r) include salaries, wages, or other compensation received by an owner of the concern or any member of his household related to him. The term "owner" as used in the previous sentence includes the sole proprietor in a sole proprietorship, the principal partners in a partnership, and the principal stockholders of a corporation, as determined by HUD.

(s) *Title VII*. Title VII of the Housing Act of 1961, as amended, 42 U.S.C. 1500.

§ 4.102 Relocation payments by the Agency.

The Agency shall make relocation payments to or on behalf of eligible claimants in accordance with and to the full extent permitted by the regulations in this subpart: *Provided*, That for each Federal Grant Contract the Agency may elect whether to make payments for moving expenses in excess of \$25,000 in accordance with § 4.113(a)(2). Relocation payments made in accordance with the regulations in this subpart and pursuant to a Federal Grant Contract are reimbursable in full to the Agency as a Title VII grant.

§ 4.103 Eligibility conditions—moving expenses, actual direct loss of property, and settlement costs.

(a) *Moving expenses and actual direct property loss*. A claimant is deemed displaced by the acquisition of real property for open-space use and is eligible for a relocation payment for moving expenses and actual direct loss of property if:

(1) The acquisition of real property necessitates vacation of such property by the claimant on or after March 4, 1965; and

(2) (i) The claimant is an occupant of the real property on the date of execution of a Federal Grant Contract authorizing the acquisition of the real property or, if HUD concurrence is given for the acquisition of the real property prior to its approval of a Federal Grant Contract, the date of such HUD concurrence (provided that in the latter case a Federal Grant Contract for the project is thereafter executed), regardless of when or if such acquisition takes place, or (ii) the claimant is an occupant of the real property at the time of its acquisition.

(b) *Moving expenses—outdoor advertising display*. Notwithstanding the fact that a business concern may not be doing business in the project area, and subject to all other eligibility requirements of paragraph (a) of this section, a business concern shall be entitled to a relocation payment for moving expenses with respect to its outdoor advertising displays required in the determination of the Agency to be removed from the project area.

(c) *Settlement costs*. A claimant is deemed displaced by the acquisition of real property for open-space use and is eligible for a relocation payment for settlement costs if (1) he is the owner of the real property on or after August 10, 1965, and at the time of the transfer of title to the Agency, and (2) if the transfer of title to the real property occurs on or after the date of execution of a Federal Grant Contract authorizing the acquisition of the real property, or if HUD concurrence is given for the acquisition of the real property prior to its approval of a Federal Grant Contract, on or after the date of such HUD concurrence: *Provided*, That a Federal Grant Contract for the project is thereafter executed.

(d) *Temporary moves within project area*. No relocation payment shall be made for a temporary move within the project area.

§ 4.104 Eligibility conditions—small business displacement payment.

A small business concern which satisfies the eligibility conditions of § 4.103 (a) governing moving expenses and actual direct loss of property is eligible for a small business displacement payment if the concern:

(a) Is not a part of an enterprise having two or more establishments outside the project area;

(b) Has filed with the Internal Revenue Service income tax returns for the base period; or has furnished such other evidence of earnings as may be approved by HUD; and

(c) Was doing business in the real property on the date of the approval by the Agency of an application for an open-space grant under Title VII.

§ 4.105 Eligibility conditions—relocation adjustment payment.

A family or elderly individual who satisfies the eligibility conditions of § 4.103 (a), governing eligibility for a relocation payment for moving expenses and actual direct loss of property, is eligible for a relocation adjustment payment if the claimant:

(a) Is unable to secure a suitable dwelling unit in (1) a low-rent housing project assisted under the U.S. Housing Act of 1937, as amended, 42 U.S.C. 1401 et seq. (or a State or local program found by HUD to have the same general purposes) or (2) a dwelling unit assisted under section 101 of the Housing and Urban Development Act of 1965, 12 U.S.C 1701s(a); and

(b) Has moved to a decent, safe, and sanitary dwelling.

§ 4.106 Vacation of real property within 18 months after acquisition by Agency.

Notwithstanding any other provision of the regulations in this subpart, no claimant displaced from predominantly undeveloped land shall be eligible for any relocation payment (other than settlement costs) unless the claimant vacates the real property within 18 months (or such other period as the Agency shall, with HUD concurrence, approve) after acquisition of the real property by the Agency.

§ 4.107 Notice of intention to move.

Except as provided in this § 4.107, no relocation payment for moving expenses or actual direct loss of property and no small business displacement payment shall be made to a business concern unless (a) the Agency has received, at least 30 days but not earlier than 90 days prior to the moving date, written notice from the business concern of its intention to move or dispose of the property, which shall be described generally in the notice, and the date of such intended move or disposition, and (b) the business concern has permitted, at all reasonable times, the inspection by or on behalf of the Agency of such property at the site from which the business concern is displaced. For the purpose of this § 4.107, "moving date" shall mean the date on which the first item of property is intended to be moved or disposed of. The Agency may make a relocation payment notwithstanding non-receipt of such timely notice only if the Agency has determined that there was reasonable cause for the failure of the business concern to give such notice, and the Agency has adequately verified the facts pertaining to the move or disposition and the requested relocation payment.

§ 4.108 Administration of relocation payments program.

(a) *Conditions for relocation payment.* The Agency (or, if the Agency is the municipality, the board or commission responsible for carrying out the project or, if there is no such board or commission, the principal executive officer of the municipality) shall approve a schedule of average annual gross rentals for standard housing in the locality for determining the amount of relocation adjustment payments in accordance with § 4.113(c), any schedule of fixed payments to be paid in accordance with § 4.109, and any other conditions under which the Agency will make relocation payments. The schedules and conditions shall be consistent with the regulations in this subpart and shall be available in written form to claimants in the relocation office of the Agency.

(b) *Notice to claimants.* The Agency shall furnish all claimants who are anticipated to be displaced, with an informational statement advising the claimant of (1) the availability of relocation payments and (2) the office where the conditions under which relocation payments will be made are available for inspection.

(c) *Action on claim—finality.* The Agency is initially responsible for deter-

mining the eligibility of a claim for, and the amount of, a relocation payment and shall maintain in its files complete and proper documentation supporting the determination. The determination on each claim shall be made or approved either by the governing body of the Agency or by the principal executive officer of the Agency or his duly authorized designee. The determination by the Agency or any redetermination by HUD shall be final and conclusive with respect to the rights of any claimant, and not subject to redetermination by any court or any other officer. Subject to the requirements of this paragraph (c), the Agency may permit a third-party contractor responsible for relocation activities to examine and recommend action on a claim and to disburse funds in payment of a claim which has been approved by the Agency.

(d) *Prompt payment.* A relocation payment shall be made by the Agency as promptly as possible after a claimant's eligibility has been determined in accordance with the regulations in this subpart: *Provided*, That a relocation adjustment payment shall be made during the first 5 months after the Agency has determined the eligibility of the claimant.

(e) *Agency setoff against claim.* The Agency may set off against the claim of an otherwise eligible claimant any financial claim the Agency may have against the claimant arising out of the use of the real property.

(f) *Approval by HUD—business concerns.* No relocation payment for moving expenses or settlement costs, or both, in excess of \$10,000 shall be made without approval by HUD.

(g) *Accounts and records.* Accounts and records shall be maintained as prescribed by HUD and shall be subject to inspection or audit at all reasonable times by HUD. Records pertaining to eligibility of relocation payments, including all claims, receipted bills or other documentation in support of a claim, and records pertaining to action on a claim, shall be retained by the Agency for not less than 3 years after the completion of the project.

§ 4.109 Fixed relocation payments to individuals and families for moving expenses.

(a) *Schedule of fixed payments.* An Agency intending to pay fixed amounts in lieu of payments for reasonable and necessary moving expenses and actual direct loss of property of eligible individuals and families shall prepare a schedule of the fixed amounts which it proposes to pay. The schedule shall contain a statement indicating that the Agency intends to permit eligible individuals and families to claim reimbursement for their actual moving expenses and actual direct loss of property.

(b) *Schedule provision.* (1) A proposed schedule of fixed payments to eligible individuals and families owning furniture shall provide for a graduated scale of payments related to the number of all rooms occupied by the claimant ex-

cept bathrooms, hallways, and closets, which payments shall not exceed the lowest normal charge for carting expenses for the average time required to move personal effects: *Provided*, That in any event the payments shall not exceed the maximum reimbursement to eligible individuals or families provided in the regulations in this subpart.

(2) Fixed payments to eligible individuals or families not owning furniture shall not exceed: (i) \$5 for any individual, (ii) \$10 for any family.

(c) *Administration of fixed payments.* Eligible individuals or families may be paid the amount provided in the schedule of fixed payments approved by HUD upon receipt of a properly completed claim. A fixed payment shall be in full settlement for the claimant's moving expense and any actual direct loss of property. If the joint occupants of a single dwelling unit at the project site move to two or more locations and consequently submit more than one claim, an eligible claimant for a fixed payment may be paid only his reasonable prorated share (as determined by the Agency) of the total fixed payment applicable to such dwelling unit, and the total of fixed payments made to all such claimants moving from such dwelling unit shall not exceed the total fixed payment applicable to such dwelling unit.

§ 4.110 Determining moving expenses of business concern.

(a) *Submission of bids prior to moving date.* No claim for a relocation payment for moving expenses in excess of \$500 shall be allowed for costs incurred by a business concern on or after December 1, 1966, unless the concern has submitted to the Agency, at least 15 days prior to the commencement of the move, a bid from three reputable firms covering the moving costs involved. Whenever it is not feasible to obtain three bids for any category of work, a lesser number of bids shall be submitted, together with a written justification by the concern; and no relocation payment shall be allowed in such cases unless the Agency has approved the justification. The Agency, with HUD concurrence, may waive any requirement of this paragraph (a) for good cause.

(b) *Payment not to exceed low bid.* Payment to a business concern for moving expenses shall not exceed the amount of the low bid submitted in accordance with paragraph (a) of this section unless the bid requirement has been waived in accordance with paragraph (a) of this section.

§ 4.111 Determining actual direct loss of property.

(a) The amount of actual direct loss of any item of property claimed shall be determined as follows:

(1) The fair market value of the property for continued use at its location prior to the displacement shall be ascertained by the claimant by an appraisal satisfactory to the Agency, except as provided in subparagraph (2) of this paragraph.

(2) If the value of the property for which actual direct loss is claimed does not warrant the expenses of an appraisal, then its fair market value for such continued use shall be computed as follows: The original cost of the item to the claimant (exclusive of installation cost), multiplied by the figure obtained by dividing the period of the remaining useful life of the property at the date of removal, by the period of the normal useful life of the property at the date of its acquisition by the claimant.

(3) The property shall be disposed of by a bona fide sale (as determined by the Agency) at the highest price offered after reasonable efforts have been made over a reasonable period of time to interest prospective purchasers. A trade-in of the property may be considered a bona fide sale, and the trade-in allowance, exclusive of any amount of discount that would be allowed on the price of the property being acquired in the absence of the trade-in, shall be deemed the amount realized upon the sale of the property.

(4) If the amount realized from the sale, after deducting ordinary and reasonable expenses of the sale, is less than the fair market value for such continued use, the difference between the net amount realized and the fair market value is the amount of actual direct loss of the property. Expenses of sale include such items as sale commissions, auctioneer's fees, advertising costs, and similar charges.

(b) If a bona fide sale is not effected because no offer is received for the property, after reasonable efforts have been made over a reasonable period of time to sell it, then its fair market value for continued use, ascertained as provided in this section, is the amount of actual direct loss of the property.

(c) Cost of appraisals: The cost of appraisals to determine actual direct loss of property, if made by or in behalf of the claimant, is not allowable as part of a claim.

§ 4.112 Filing of claims.

(a) *Form of claim.* To obtain a relocation payment, a claimant shall file a written claim with the Agency on the appropriate HUD forms.

(b) *Documentation in support of claim.* A claim shall be supported by the following:

(1) If for moving expenses, except in the case of a fixed payment, a receipted bill or other evidence of such expenses. By prearrangement between the Agency, the claimant, and the mover, confirmed in writing by the Agency, the claimant may present an unpaid moving bill to the Agency, and the Agency may pay the mover directly.

(2) If for actual direct loss of property, written evidence thereof, which may include appraisals, certified prices, copies of bills of sale, receipts, canceled checks, copies of advertisements, offers to sell, auction records, and such other records as may be appropriate to support the claim.

(3) In any other case, such documentation as may be required by the Agency, which may include income tax returns, withholding or informational statements, and proof of age.

(c) *Time for filing claims.* A claim for moving expenses, actual direct loss of property, or a small business displacement payment shall be submitted to the Agency within a period of 6 months after the displacement of the claimant. A claim for a relocation adjustment payment shall be submitted within a period of 60 days after the displacement of the claimant. A claim for settlement costs shall be submitted within 6 months after the costs have been incurred.

(1) *Displacement prior to December 1, 1966.* Notwithstanding the first three sentences of this paragraph (c), the 6-month and 60-day filing periods referred to therein shall commence running on the date of receipt of a notification of the availability of relocation payments or the date of a published notice with respect to any claimant who is displaced prior to December 1, 1966, and prior to the receipt of such notification or the date of such published notice.

(2) *Waivers.* The time limitations in this paragraph (c) may be waived by the Agency for good cause, with HUD concurrence.

§ 4.113 Limitation on amount of relocation payments.

(a) *Moving expenses and loss of property.*—(1) *Maximum amount—individuals or families.* The maximum relocation payment that may be made or recognized for moving expenses and actual direct loss of property, for which reimbursement or compensation is not otherwise made, to an individual or family shall not exceed \$200. The maximum relocation payment that may be made or recognized for moving expenses and actual direct loss of property, for which reimbursement or compensation is not otherwise made, to two or more unrelated individuals occupying the same dwelling unit shall not exceed \$200.

(2) *Maximum amount—business concerns.* The maximum relocation payment that may be made or recognized in the case of a business concern for moving expenses and actual direct loss of property, for which reimbursement or compensation is not otherwise made, shall not exceed \$3,000: *Provided*, That if the total of the actual moving expenses incurred on or after March 4, 1965, and prior to August 12, 1965, is greater than \$3,000, the maximum relocation payment that may be made or recognized in the case of a business concern, for which reimbursement or compensation is not otherwise made, shall be the total of such actual moving expenses or \$25,000, whichever is less. If the total of the actual moving expenses incurred on or after August 12, 1965, is greater than \$3,000, the maximum relocation payment that may be made or recognized in the case of a business concern, for which reimbursement or compensation is not otherwise made, shall be the sum of:

(i) The total actual moving expenses or \$25,000 whichever is less; and

(ii) A percentage of the actual moving expenses in excess of \$25,000, which percentage shall be the same as the percentage of project cost paid for by the Federal Grant under the terms of the Federal Grant Contract: *Provided*, That the Agency makes a cash payment to the business concern equal to the remainder of the actual moving costs in excess of \$25,000, which payment shall not constitute any portion of the local share of the project cost.

(3) *Maximum moving distance.* If a business concern moves beyond 100 miles from the boundary of the city, town, township, village, or county, as the case may be, in which the project is carried out, a relocation payment for its moving expenses may not be made in excess of the reasonable and necessary expenses for moving such distance of 100 miles.

(b) *Small business displacement payment—fixed amount.* A small business displacement payment shall be \$1,500 for business concerns displaced prior to August 10, 1965, and \$2,500 for business concerns displaced on or after August 10, 1965.

(c) *Maximum amount—relocation adjustment payment.* The total relocation adjustment payment that may be made for a family or elderly individual shall be an amount not to exceed \$500 which, when added to 20 percent of the annual income of the family or individual at the time of displacement, equals the average annual gross rental required for a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the family or individual (in the area in which the project is carried out or in other areas generally not less desirable in regard to public utilities and public and commercial facilities), as determined by the Agency.

§ 4.114 Determinations in condemnation proceedings.

Notwithstanding any other provision of the regulations in this subpart, when property is acquired by proceedings in condemnation, and the amount of the judgment includes an allowance for reasonable and necessary moving expenses, actual direct loss of property, or settlement costs, the portion of the judgment representing compensation for these items, if separately stated, shall be entitled to recognition as a relocation payment in an amount not to exceed the applicable dollar limitations of § 4.113: *Provided*, That the allowance for actual direct loss of property makes no compensation for loss of good will or profit.

Effective date. These regulations are effective as of August 27, 1966.

DON HUMMEL,

Assistant Secretary for

Renewal and Housing Assistance.

[F.R. Doc. 66-9376; Filed, Aug. 26, 1966; 8:48 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

[Dept. Circular 176 (Rev.), Amdt. 15; Dept. Circular 92 (Rev.), Amdt. 14]

PART 202—DEPOSIT OF PUBLIC MONIES AND PAYMENT OF GOVERNMENT CHECKS

PART 203—SPECIAL DEPOSITS OF PUBLIC MONIES UNDER THE ACT OF CONGRESS APPROVED SEPTEMBER 24, 1917, AS AMENDED

Equal Employment Opportunity Applicable to Government Depositories

In order to implement the provisions of Executive Order No. 11246 of September 24, 1965, "Equal Employment Opportunity" (30 F.R. 12319), with regard to banking institutions acting as depositories of Government moneys, the Treasury Department finds that it is necessary to amend its regulations which govern the designation and qualification of such depositories. Those regulations appear at 31 CFR Parts 202 and 203, and also appear as Treasury Department Circulars No. 176 (Revised) and No. 92 (Revised). The Department also finds that, in accord with 5 U.S.C. 1003, notice and public procedure thereon are not required, since the amendments involve public property or contracts.

Accordingly, Parts 202 and 203, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations are hereby amended in the following ways:

1. Part 202 is amended by revising paragraph (d) and adding a new paragraph (g) to § 202.1, as follows:

§ 202.1 General provisions and definitions.

(d) *Depository and financial agent of the Government; definition of.* The term "depository and financial agent of the Government" as used in this part means any insured bank within the 50 States and the District of Columbia which is designated for that purpose under the provisions of the Act of June 11, 1942 (12 U.S.C. 265), and which accepts a contract of deposit with the Treasury Department as provided in paragraph (g) of this section.

(g) *Contract of deposit.* Any depository designated under this part which accepts a deposit of public money thereby enters into a contract of deposit with the Treasury Department. The terms of the contract include all the provisions of this part and, in the case of a contract entered into by acceptance of a deposit after November 30, 1966, the provisions prescribed in section 202 of Executive

Order 11246 entitled, "Equal Employment Opportunity," 30 F.R. 12319. Thereupon the depository contractor shall be subject to the provisions of Part II of that Order.

3. Part 203 is amended by revising § 203.1 to read:

§ 203.1 Designation of banks and trust companies as Special Depositories of public moneys.

All incorporated banks and trust companies in the United States (including the District of Columbia), Puerto Rico, Virgin Islands, and the Panama Canal Zone are hereby designated, subject to qualification in accordance with the provisions of this part, and subject to acceptance of a contract of deposit with the Treasury Department, as provided in § 203.4, as Special Depositories for receiving deposits of public moneys as authorized by the Act of Congress, approved September 24, 1917, as amended (Second Liberty Bond Act, as amended), referred to in this part as the act: *Provided*, That no bank or trust company shall perform any of the acts covered by this designation until it has qualified so to act in the manner herein prescribed.

4. Part 203 is further amended by adding following section 203.3 a new § 203.4 to read:

§ 203.4 Contract of deposit.

A Special Depository which accepts a deposit under this part enters into a contract of deposit with the Treasury Department. The terms of the contract include all the provisions of this part and, in the case of a contract entered into by acceptance of a deposit after November 30, 1966, the provisions prescribed in section 202 of Executive Order 11246 entitled, "Equal Employment Opportunity," 30 F.R. 12319. Thereupon the depository contractor shall be subject to the provisions of Part II of that Order.

5. Part 203 is further amended by renumbering the present § 203.4 as § 203.5 and all subsequent sections consecutively. (Sec. 10, 56 Stat. 356, as amended, sec. 8, 40 Stat. 291, as amended; 12 U.S.C. 265, 31 U.S.C. 771)

Dated: August 25, 1966.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 66-9409; Filed, Aug. 26, 1966; 8:49 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGICAL PRODUCTS

Dating Periods

On November 2, 1965, a notice of rule making was published in the FEDERAL

REGISTER (30 F.R. 13872) proposing to amend Part 73 of the Public Health Service Regulations to set forth for specific products the periods beyond which the products cannot be expected beyond reasonable doubt to yield their specific results.

Views and arguments respecting the proposed standards were invited to be submitted within 60 days after publication of the notice in the FEDERAL REGISTER, and notice was given of intention to make any amendments that were adopted effective 60 days after the date of their publication in the FEDERAL REGISTER.

After consideration of all comments submitted, which included many requests for an extension of time to make labeling changes, the following amendment to Part 73 of the Public Health Service regulations is hereby adopted to become effective 60 days after the date of publication in the FEDERAL REGISTER, except that changes in labeling requirements shall be effective 180 days after the date of publication in the FEDERAL REGISTER.

§§ 73.104, 73.116, 73.134 [Amended]

1. Delete § 73.104(e).
2. Delete § 73.116(f).
3. Delete § 73.134(h).

§§ 73.306, 73.325 [Deleted]

4. Delete § 73.306.
5. Delete § 73.325.

§ 73.354 [Amended]

6. Delete § 73.354 (e) and (f).

§ 73.503 [Deleted]

7. Delete § 73.503.
8. Add the following to the table of contents after "73.85 Expiration date; dating period."

Sec.

73.86 Dating periods for specific products.

9. Amend Part 73 by adding a new § 73.86 to read as follows:

§ 73.86 Dating periods for specific products.

The following dating periods are based on data relating to usage, clinical experience or laboratory tests that establish the period beyond which the product cannot be expected beyond reasonable doubt to yield its specific results and retain its safety, purity, and potency, provided the product is maintained at the recommended temperatures. The standards prescribed by the regulations in this part, designed to insure continued safety, purity, and potency of the products, are based on the dating periods set forth below. Cold storage periods and temperatures prescribed in § 73.84 shall apply and outside labels shall recommend storage between 2° C. and 8° C., except when specifically provided otherwise. (Storage temperatures and storage periods are given in parentheses after the dating periods below when they differ from those specified in § 73.84.)

FEDERAL REGISTER, VOL. 31, NO. 167—SATURDAY, AUGUST 27, 1966

FEDERAL REGISTER, VOL. 31, NO. 167—SATURDAY, AUGUST 27, 1966

Normal Human Serum-----	<i>Liquid:</i> Eighteen months. <i>Dried:</i> Five years.	Poliovirus Vaccine, Live, Oral, Type I-----	<i>Frozen:</i> One year provided labeling recommends storage at a temperature which will maintain ice continuously in a solid state (-10°C ., one year). <i>Liquid:</i> 30 days provided labeling recommends storage between 2° and 8°C . § 73.84 does not apply.
Normal Rabbit Serum-----	<i>Melted:</i> One year after the date of melting. § 73.84 does not apply.	Poliovirus Vaccine, Live, Oral, Type II-----	<i>Frozen:</i> One year provided labeling recommends storage at a temperature which will maintain ice continuously in a solid state (-10°C ., one year). <i>Liquid:</i> 30 days provided labeling recommends storage between 2° and 8°C . § 73.84 does not apply.
Normal Serum Albumin (Human)-----	(a) Five years provided labeling recommends storage between 2° and 10°C . (5°C ., three years). or (b) Three years provided labeling recommends storage at room temperature, not to exceed 37°C . (5°C ., three years). or (c) Ten years, if in an hermetically sealed metal container and provided labeling recommends storage between 2° and 10°C . § 73.84 does not apply.	Poliovirus Vaccine, Live, Oral, Type III-----	<i>Frozen:</i> One year provided labeling recommends storage at a temperature which will maintain ice continuously in a solid state (-10°C ., one year). <i>Liquid:</i> 30 days provided labeling recommends storage between 2° and 8°C . § 73.84 does not apply.
Oxophenarsine Hydrochloride-----	Three years (5°C ., one year).	Polyvalent bacterial antigens with "No U.S. Standard of Potency."-----	<i>Liquid:</i> 30 days provided labeling recommends storage at 2° - 8°C . § 73.84 does not apply.
Packed Red Blood Cells (Human)-----	Twenty-one days provided labeling recommends storage between 1° and 10°C . and the hermetic seal is not broken during processing. Twenty-four hours provided labeling recommends storage between 1° and 10°C . if the hermetic seal is broken during processing. § 73.84 does not apply.	Polyvalent bacterial vaccines with "No U.S. Standard of Potency."-----	<i>Dried:</i> Five years (5°C ., one year). <i>Liquid:</i> Eighteen months (5°C ., one year).
Perfringens Antitoxin-----	Five years with a 20 percent excess of potency.	Polyvalent modified bacterial antigens with "No U.S. Standard of Potency."-----	<i>Dried:</i> Five years (5°C ., one year). <i>Liquid:</i> Eighteen months (5°C ., one year).
Pertussis Immune Globulin (Human)-----	Three years from date the dried or frozen bulk product is placed in final solution (5°C ., three years). <i>Liquid:</i> One year.	Polyvalent sensitized bacterial vaccines with "No U.S. Standard of Potency."-----	<i>Liquid:</i> Eighteen months (5°C ., one year). <i>Dried:</i> Five years (5°C ., one year).
Pertussis Immune Serum (Human)-----	<i>Liquid:</i> One year. <i>Dried:</i> Five years.	Profibrinolysin (Human)-----	Two years.
Pertussis Vaccine-----	Eighteen months (5°C ., one year).	Pseudomonas Polysaccharide-----	Eighteen months.
Pertussis Vaccine Aluminum Hydroxide Adsorbed-----	Eighteen months (5°C ., one year).	Q Fever Vaccine-----	One year (5°C ., one year).
Pertussis Vaccine Aluminum Phosphate Adsorbed-----	Eighteen months (5°C ., one year).	Rabies Vaccine-----	<i>Liquid:</i> Six months (5°C ., three months). <i>Dried:</i> Eighteen months.
Plague Vaccine-----	Eighteen months (5°C ., one year).	Radio-Chromated (C^{25}) Serum Albumin (Human)-----	Sixty days from date chromium is added. § 73.84 does not apply.
Plasma Protein Fraction (Human)-----	(a) Five years (5°C ., one year). (b) Three years, provided labeling recommends storage between 15° and 30°C . (5°C ., one year).	Radio-Iodinated (I^{125}) Serum Albumin (Human)-----	120 days from date iodination is completed. § 73.84 does not apply.
Pneumococcus Typing Serum-----	One year.	Radio-Iodinated (I^{131}) Serum Albumin (Human)-----	Thirty days from date iodination is completed. § 73.84 does not apply.
Pollomyelitis Immune Globulin (Human)-----	Three years (5°C ., three years).	Reagent Red Blood Cells (Human)-----	Twenty-one days. § 73.84 does not apply.
Pollomyelitis Vaccine-----	One year (5°C ., one year).	Reagent Blood Group Specific Substances A and B-----	Two years.
Pollomyelitis Vaccine Aluminum Phosphate Adsorbed-----	One year (5°C ., one year).	Resuspended Red Blood Cells (Human)-----	Ten days. § 73.84 does not apply.
Poliovirus Vaccine, Live, Oral Trivalent-----	<i>Frozen:</i> One year provided labeling recommends storage at a temperature which will maintain ice continuously in a solid state (-10°C ., one year). <i>Liquid:</i> 30 days provided labeling recommends storage between 2° and 8°C . § 73.84 does not apply.	Rocky Mountain Spotted Fever Vaccine-----	Eighteen months (5°C ., one year).
		Russell Viper Venom-----	Five years.
		Scarlet Fever Immune Serum (Human)-----	<i>Liquid:</i> One year. <i>Dried:</i> Five years.
		Scarlet Fever Streptococcus Toxin for Dick Test-----	One year (5°C ., one year).
		Scarlet Fever Streptococcus Toxin for Immunization-----	One year (5°C ., one year).
		Shlick Test Control-----	One year (5°C ., one year).
		Single Donor Plasma (Human)-----	(a) Five years, provided labeling recommends storage at not above -18°C . § 73.84 does not apply. (b) If used in coagulation defects, one year, provided labeling recommends storage at not above -18°C . § 73.84 does not apply.

Smallpox Vaccine-----	<i>Liquid</i> : Three months provided labeling recommends storage at not above 0° C. (-10° C., nine months, if product is maintained as glycerinated or equivalent vaccine in bulk or final containers). <i>Dried</i> : Eighteen months (5° C., six months). Five years with a 20 percent excess of potency. Two years (5° C., one year). Eighteen months (5° C., one year).
Staphylococcus Antitoxin-----	
Staphylococcus Toxoid-----	
Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus).-----	
Staphylococcus Toxoid and Bacterial Vaccine made from Staphylococcus (Aureus).-----	
Staphylococcus Toxoid, Streptococcus Toxin, and Bacterial Vaccine made from Staphylococcus (Aureus), Streptococcus (Hemolyticus), Pneumococcus Hemophilus Influenzae.-----	
Streptococcus Erythrogenic Toxin.-----	
Streptokinase-----	
Streptokinase-Streptodornase-----	
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).-----	
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Adsorbed (For Adult Use).-----	
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Precipitated (For Adult Use).-----	
Tetanus and Diphtheria Toxoids Combined Aluminum Phosphate Adsorbed (For Adult Use).-----	
Tetanus and Gas Gangrene Polyvalent Antitoxin.-----	
Tetanus Immune Globulin (Human)-----	
Tetanus Antitoxin-----	
Tetanus Toxoid-----	
Tetanus Toxoid Alum Precipitated.-----	
Tetanus Toxoid Aluminum Hydroxide Adsorbed.-----	
Tetanus Toxoid Aluminum Hydroxide Precipitated.-----	
Tetanus Toxoid Aluminum Phosphate Adsorbed.-----	
Tetanus Toxoid and Pertussis Vaccine Combined.-----	
Thrombin-----	
Trichinella Extract-----	
Tuberculin, Old-----	

Tuberculin, Patch Test-----	Two years, provided labeling recommends storage at not above 30° C. (not above 30° C., one year).
Tuberculin, Purified Protein Derivative.-----	<i>Concentrated</i> : Two years if contains 50 percent glycerin (5° C., one year). <i>Dried</i> : Five years. Two years, provided labeling recommends storage at not above 30° C. (30° C., one year).
Tuberculin, Tine Test-----	
Typhoid and Paratyphoid Vaccine.-----	
Typhoid Vaccine.-----	
Typhus Vaccine.-----	
Typhus Vaccine (Epidemic).-----	
Vibron Septique Antitoxin-----	
Yellow Fever Vaccine-----	

Dated: August 22, 1966.

[SEAL]

Approved: August 22, 1966.

WILBUR J. COHEN,
Acting Secretary.

WILLIAM H. STEWART,
Surgeon General.

[F.R. Doc. 66-9368; Filed, Aug. 26, 1966; 8:47 a.m.]

Title 5—ADMINISTRATIVE

PERSONNEL

Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that the positions of the Chairman, Policy Planning Council, and of the Secretary and Personal Assistant to the Chairman, are excepted under Schedule C, and that the positions of the Deputy Counselor and Vice Chairman, Policy Planning Council, and of the Private Secretary to the Counselor and Chairman, are no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, § 213.3304(n) is amended by revoking subparagraphs (1) and (4) and adding subparagraphs (7) and (8) as set out below.

§ 213.3304	Department of State.
(n) Policy Planning Counsel. (1) [Revoked]	
(4) [Revoked]	
(7) Chairman.	
(8) One Secretary and Personal Assistant to the Chairman.	

(E.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-9373; Filed, Aug. 26, 1966; 8:48 a.m.]

Tetanus Toxoid-----	Two years (5° C., one year).
Tetanus Toxoid Alum Precipitated.-----	Two years (5° C., one year).
Tetanus Toxoid Aluminum Hydroxide Adsorbed.-----	Two years (5° C., one year).
Tetanus Toxoid Aluminum Hydroxide Precipitated.-----	Two years (5° C., one year).
Tetanus Toxoid Aluminum Phosphate Adsorbed.-----	Two years (5° C., one year).
Tetanus Toxoid and Pertussis Vaccine Combined.-----	Eighteen months (5° C., one year).
Thrombin-----	Three years.
Trichinella Extract-----	Eighteen months (5° C., one year).
Tuberculin, Old-----	<i>Concentrated</i> : Containing 50 percent glycerin, five years. <i>Diluted</i> : One year.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 19—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Employees Required to Submit Statements

The Commission having under consideration Part 19 of its Rules and Regulations, Employee Responsibilities and Conduct;

It is ordered, Under the authority of the Communications Act, as amended, and pursuant to Executive Order No. 11222, dated May 8, 1965, and in accordance with the requirements of Part 735 of the Civil Service Regulations issued on October 1, 1965, and Administrative Order No. 10, dated September 17, 1954, amended September 7, 1961, and March 8, 1963, that:

In § 19.735-403 paragraph (c) is revised to read as follows:

§ 19.735-403 Employees required to submit statements.

(c) Employees who are in grade GS-13 or above; and employees who are in grade GS-12 and who are in engineering, attorney, accounting, or economist positions.

The above revision was approved by the Civil Service Commission on August 8, 1966, and is effective August 29, 1966.

(E.O. 11222 of May 8, 1965, 30 F.R. 6469, CFR, 1965 Supp.; CFR 735.104)

Adopted: July 20, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-9394; Filed, Aug. 26, 1966;
8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Malheur National Wildlife Refuge, Oreg.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special Regulations; big game for individual wildlife refuge areas.

OREGON

MALHEUR NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Malheur National Wildlife Refuge, Oreg., is permitted only on the area designated by signs as open to hunting. This open area, comprising 19,700 acres, is delineated on a map available at the refuge headquarters and from the Regional Di-

rector, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific, Portland, Oreg.

Hunting of deer is permitted in accordance with all applicable State regulations, subject to the following special conditions:

(a) Open season: September 17, 18, and 19, 1966.

(b) Weapons: Bow and arrow only may be used.

(c) Other provisions: The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

1. No fires allowed except at designated campgrounds.

2. Camping permitted at designated campgrounds only.

3. Travel by any method other than on foot prohibited except on designated roads.

4. A Federal permit is not required to enter the public hunting area, but hunters must report at such checking stations as may be established when entering or leaving the area.

5. The provisions of this special regulation are effective through September 19, 1966.

PAUL T. QUICK,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

AUGUST 17, 1966.

[F.R. Doc. 66-9347; Filed, Aug. 26, 1966;
8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 8, 10, 16, 17, 24, 25]

ENTRY RECORD; IMPORTER'S IDENTIFICATION NUMBER; ABOLISHMENT OF CERTAIN CUSTOMS FORMS; BILLING FOR DEFERRED PAYMENT OF INTERNAL REVENUE TAXES ON ALCOHOLIC BEVERAGES

Notice of Proposed Rule Making

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that under the authority of section 484 of the Tariff Act of 1930, as amended (19 U.S.C. 1484), and section 201, 72 Stat. 1322, 1334, 1335, 68A Stat. 917 (26 U.S.C. 5007, 5054, 5061, 7805), it is proposed to amend certain sections of the Customs Regulations.

The reasons for and the purposes to be accomplished by the amendments are explained in the following analysis of the proposed changes.

The appropriation and revenue accounting system of the Bureau of Customs is to be automated beginning March 1, 1967. Many of the Bureau's accounting forms will be abolished and new forms, more adaptable to automated accounting procedures, will be established as the system is automated.

Customs Form 5106, Notification of or Application for Importer's Number or Notice of Change of Name or Address (see illustration A), is a new form which will be required to be filed by each importer on the first importation or first request for services after December 1, 1966. Further filing will be required only (1) for a change in the name or the address of the party filing the form, or (2) under certain circumstances when no transaction has been filed with customs under an importer's number within the last preceding 12 months.

Customs Form 5106 must be on file for each person, business firm, Government agency, or other organization making a dutiable formal entry or requesting services that will result in the issuance of a bill or a refund check upon adjustment of a cash collection. The form must also be filed by an agent authorized to make a dutiable formal entry or to request the aforementioned services.

An individual, a business firm, a Government agency, or other organization which has been assigned an employer identification number by the Internal Revenue Service will enter such 9-digit number as the "importer number" on customs Form 5106. An individual who has not been assigned an Internal Revenue Service employer identification number will enter his social security number as the "importer number" on Form 5106.

A business firm, Government agency, or other organization which has not been assigned an Internal Revenue Service employer identification number nor a social security number will enter the word "None" on the lines for the Internal Revenue Service number and social security number and file the form, in duplicate. In such instances the customs office where the entry is made or the request for services is received will assign a customs identification number, enter it on Form 5106 and return a copy of the form to the party for his records and future use.

In the event that an importer or party requesting the aforementioned services has both an Internal Revenue Service employer identification number and a social security number, the Internal Revenue Service employer identification number should be used when filing the Form 5106. If, however, an Internal Revenue Service employer identification number, or a social security number, or both are obtained after an importer number has been assigned by Customs, a new Form 5106 shall not be filed except upon request from Customs. Once assigned, the importer number shown on the Form 5106 must be reported on all customs transactions requiring importer identification.

Form 5106 contains a block in which a single suffix code (numeric or alphabetic) may be added to the Internal Revenue Service employer identification number by a firm having branch office operations to permit the firm to identify transactions originating in its branch offices. For each branch office which a firm desires to be identified, a separate Form 5106 to report the specific suffix code and name and address will be required. When an organization desires to associate a customs transaction with a specific branch office, the importer number, including the suffix, shall be supplied on the Form 5101 or the request for services. The suffix code, if supplied, will be recognized and used by Customs in the preparation of bills, statements, notices and reports issued to the organization.

Customs Form 5101, Entry Record (see illustration B), has been revised to include space for reporting the importer number and is to be completed and presented by the importer or broker with each dutiable consumption, warehouse, appraisement, vessel repair, or drawback entry made on or after January 1, 1967. This form provides information required to automatically identify and associate all actions regarding an entry with the related importer of record.

The following are examples indicating how the importer numbers shall be reported on Form 5101.

1. If the importer of record and the actual owner are one and the same, only

one importer number is required and it shall be reported on the first line.

2. If the importer of record is a broker acting for the actual owner, the broker's importer number shall be reported on the first line and the actual owner's importer number (if known or readily obtainable) shall be reported on the second line. If the owner's importer number is unavailable at time of entry, leave second line blank.

3. If the importer of record desires to have refunds, bills, or notices of liquidation pertaining to his entry mailed in care of his agent, the importer number of the importer of record shall be reported on the first line and the agent's importer number shall be reported on the third line. In this case the importer of record shall file or shall have filed previously a Form 4811 over his signature authorizing the mailing of refunds, bills, or notices of liquidation to his agent.

Customs Form 3347, Declaration of Owner (see illustration C), will be revised to require reporting the identification (importer) number of the actual owner, and to indicate the owner's request to have refunds or other information mailed to him in care of his agent if he so desires. Effective January 1, 1967, each person who files a Form 3347 must insert thereon his importer number and indicate whether refunds, bills or other information with respect to the entry shall be mailed in care of his agent.

Customs Form 4811, Special Address for Refund Checks, will be revised. The title of the revised form will be Special Address Notification (see illustration D). The importer number of the actual owner and the importer number of the owner's agent will be required. Effective January 1, 1967, each person, business firm, Government agency, or other organization desiring to have refund checks, bills, or notices of liquidation mailed to someone other than the payee of the check or the addressee of the bill shall execute a Form 4811 for each authorized person to whom such refunds, bills, or notices of liquidation are to be sent.

These revised forms will provide the importers' numbers that are required to effectively automate customs accounting, and will permit removal of inactive authorizations from the customs files.

A Form 4811 received by Customs on and after January 1, 1967, will not be effective if a customs transaction requiring the use of the importer's number has not been made within 3 years from the date the Form 4811 was filed or if there is no unliquidated entry on file to which the number is to be associated.

Effective January 1, 1967, each protest that is submitted to the Bureau of Customs shall include the protestant's importer number. If the protestant is represented by an agent having a power of attorney, the importer number of the

agent or attorney shall also be shown. If desired by the owner or protestant, the statement "any refunds (and/or other information) with respect to the entry under protest shall be mailed to the owner in care of _____"

(Name and address of agent)

A single all-purpose bill form, customs Form 6084, Notice of Amount Due, will replace the various bill forms which are being abolished. Also, a new "cash receipt", customs Form 5104 (see illustration E), will replace the cash receipt forms being abolished.

Bills will be issued and refunds paid only when the total amount of duties and taxes ascertained in the liquidation of an entry differs by not less than \$3 from the total amount of duties and taxes deposited.

As of March 1, 1967, the procedure to be followed in making deferred payment of estimated import taxes on alcoholic beverages entered is changed. The deferred tax payment forms presently used are eliminated. Each importer whose application to make deferred payments of taxes has been approved will be required to enter a note on each copy of the entry or warehouse withdrawal on which a tax payment is to be deferred, the legend "Tax Payment Deferred" adjacent to the amount shown as the estimated import taxes before presenting the entry or warehouse withdrawal to the cashier. Each importer exercising the tax deferral privilege will be billed semi-monthly for all taxes deferred during each tax-deferment period.

To provide for these requirements, to delete reference to customs forms which will be abolished, and to make other technical and clarifying changes, it is proposed to amend the Customs Regulations as set forth in tentative form below:

Section 8.8(c) is amended to read as follows:

§ 8.8 Requirements on entry.

(c) A copy of customs Form 5101, Entry Record, shall be prepared and presented by the importer with each dutiable consumption, warehouse, appraisement, vessel repair, or drawback entry. If an importer of record desires to have refunds, bills, or notices of liquidation pertaining to his entry mailed in care of his agent, the agent's importer number shall be reported on the third line of Form 5101. In such a case, the importer of record shall file or shall have filed previously a Form 4811 authorizing the mailing of refunds, bills, or notices of liquidation to the agent.

The last sentence of § 8.28(c) is amended to read as follows:

§ 8.28 Release under bond; deposit of estimated duties; permit.

(c) * * * After liquidation of the entry, the Bureau of Customs will bill the proper department or agency for any duties or charges due the Government.

Section 8.40(b) is amended to read as follows:

§ 8.40 Withdrawals before and after liquidation.

(b) If there is a difference of \$3 or more between the total estimated duties and internal revenue taxes deposited and the total liquidated duties and taxes accruing on merchandise withdrawn for consumption before the liquidation or reliquidation of the warehouse entry, a notice shall be issued promptly and such difference shall be collected or refunded.

Section 10.21(j) is amended to read as follows:

§ 10.21 Examination procedure; collection of duties and taxes.

(j) When duties and internal revenue taxes on articles in a passenger's baggage are collected, a receipt will be issued to the passenger, if such duties and taxes are paid in cash. If such duties and taxes are paid by personal check, the check will be the passenger's receipt unless a receipt is requested.

Section 16.2 (a) and (c) are amended to read as follows:

§ 16.2 Procedure; notice of liquidation.

(c) When the total amount of duties and internal revenue taxes assessed in the liquidation of an entry (other than an informal entry on customs Form 5119 or 5119-A, a mail entry on customs Form 3419, or a baggage entry on customs Form 5123, 6059, or 6063) differs by less than \$3 from the total estimated duties and internal revenue taxes, including any supplemental estimated duties or internal revenue taxes deposited, the entry shall be endorsed "as entered." If there is a difference of \$3 or more between the duties and taxes so assessed and the total estimated duties and taxes deposited, the entry shall be endorsed to show the difference and bills or refund checks shall be issued. The assessments of duties and internal revenue taxes shall be separately stated on the entries at time of liquidation but the amounts of any differences shall be netted when applying the \$3 minimum for issuance of a bill or refund check. In the case of each informal, mail, or baggage entry excepted above, the amount or amounts of duties and taxes computed by a customs officer when the entry is prepared by, or filed with, him shall be considered the liquidated assessment. In the event of a reliquidation of a mail or baggage entry for any reason, the reliquidated duties shall be exactly assessed, if the importer so requests, even though the difference between the liquidated and reliquidated amounts is less than \$3; otherwise, any difference under \$3 shall be disregarded.

Section 16.12(a) is amended to read as follows:

§ 16.12 Appraisement, baggage, informal, and mail entries.

(a) All appraisement entries ready for liquidation during any 1 month may

be liquidated on any convenient day during that month. The notice of entries liquidated, customs Form 4333, shall be dated with the date of posting or lodging (which shall be in the place and manner specified in § 16.2(d)), and the entries covered thereby shall be stamped "Liquidated," with the date of liquidation, which shall be the same as the date on the notice. Such stamping shall be deemed the legal evidence of liquidation.

Section 17.1 (b) is amended to read as follows:

§ 17.1 Protest; form of.

(b) Each protest shall be in quadruplicate, addressed to the district director of customs (regional commissioner of customs if in Region II), and signed by the person protesting or his agent or attorney. The protest shall show the importer number of the protestant. If the protestant is represented by an agent having power of attorney, the importer number of the agent shall also be shown. If desired by the owner or protestant, the statement "any refunds (and/or other information) with respect to the entry under protest shall be mailed to the owner in care of (Name and address of agent)," may be included. This designation takes precedence over any existing designation previously authorized on customs Form 4811. Each protest shall show the address of the protestant and the address of his agent or attorney, if signed by one of these, the number and date of entry, the name of the importing carrier, the date of importation, and the date of liquidation of the entry, and it shall set forth distinctly and specifically with respect to each entry, payment, claim, decision, or refusal the reasons for the objection, stating the rate, or rates of duty claimed to be applicable and the applicable provision of law, if any, under which relief is claimed.

Section 24.4 (d) (2) (e), (f), (g), and (h) are amended to read as follows:

§ 24.4 Optional method for payment of estimated import taxes on alcoholic beverages upon entry, or withdrawal from warehouse, for consumption.

(d) Use of deferred payment method.

(2) An importer who has received approval to make deferred payments retains the option of deferring or depositing the estimated tax on imported alcoholic beverages until the entry or withdrawal is presented to the cashier for payment of estimated duties. At the time the importer presents his entry or withdrawal for consumption to the cashier together with the estimated duty, he must either pay the estimated tax or indicate on the entry or withdrawal that he elects to defer the tax payment.

(e) **Tax deferment procedure.** If the importer elects to defer the tax payments, he shall enter on each copy of the entry or withdrawal the words "Tax Payment Deferred," adjacent to the amount shown on the documents as estimated taxes, before presentation to the cashier.

(f) *Billing procedure.* Each importer who has deferred tax payments on imported alcoholic beverages will be billed at the end of each tax deferral period for all taxes deferred during the period. A statement will accompany each bill listing each tax amount deferred and the related entry number. These bills must be paid in full by the last day of the next succeeding deferral period.

(g) *Restrictions on deferring tax deposits.* An importer may not on one entry, or withdrawal from warehouse for consumption, deposit part of the estimated tax and defer the balance of the tax. The estimated tax on each entry or withdrawal must be either fully paid or deferred.

(h) *Termination of deferred payment privilege.* (1) When any bill for deferred taxes is not paid within the period specified in paragraph (f) of this section, the importer shall be sent a notice of amount due, customs Form 6084, and a copy shall be sent to the surety on his bond. If in the opinion of the customs officer concerned such failure to make timely payment of estimated deferred taxes warrants the withdrawal of the tax deferral privilege, he will advise the importer of the withdrawal of such privilege. In all instances of failure to pay timely the deferred taxes on alcoholic beverages withdrawn from warehouse for consumption, further withdrawals from the warehouse entry on which the tax is delinquent will be refused until payment is made of the amount delinquent.

(2) The termination in any district of the tax deferral privilege for failure to pay timely any deferred estimated tax shall be at the discretion of the customs officer concerned. Termination of the privilege for any other reason shall be subject to the approval of the Commissioner of Customs. Notice of termination of the tax deferral privilege in any district will be disseminated to all other customs districts.

(3) Renewal of the tax deferral privilege after it has been withdrawn in any district may be made only upon approval of the Commissioner of Customs.

Part 24 is amended to add a new § 24.5 reading as following:

§ 24.5 Filing identification number.

(a) Each person, business firm, Government agency or other organization shall file customs Form 5106, Notification of or Application for Importer's Number or Notice of Change of Name or Address, with the first dutiable formal entry which he submits or the first request for services that will result in the issuance of a bill or a refund check upon adjustment of a cash collection.

(b) The number to be used when filing customs Form 5106 shall be (1) his Internal Revenue Service employer identification number, or (2) if no Internal Revenue Service employer identification number has been assigned, his social security number. If neither an Internal Revenue Service employer identification number nor a social security number has been assigned "None" shall be inserted

on the line provided for each of the above numbers and the form shall be filed in duplicate. In such case an importer number will be assigned and entered on the Form 5106 by the customs office where the entry or request is received and a copy of the form will be returned to the party. This number shall be used in all future customs transactions when an importer number is required. If an Internal Revenue Service employer identification number, a social security number, or both are obtained after an importer number has been assigned by customs, a new Form 5106 shall not be filed, except upon request from customs.

(c) Form 5106 contains a block in which a single suffix code may be inserted as an addition to the Internal Revenue Service employer identification number by a firm having branch office operations to permit the firm to identify transactions originating in its branch offices. A separate Form 5106 to report the specific suffix code and name and address will be required for each branch office to be identified. When an organization desires to associate a customs transaction with a specific branch office, the importer number, including the suffix, reported on Form 5106, shall be supplied on the Form 5101 or the request for services. The suffix code may be either numeric or alphabetic. The block shall be left blank if the organization has no use for it.

(d) An importer number will remain on file until 1 year from the date on which it is last used in a customs Form 5101 or a request for services. If the number is not so used for 12 months and there is no outstanding transaction to which it must be associated, it will be removed from the file and the person previously covered by the number shall complete Form 5106 again to engage in another transaction covered by paragraph (a) of this section.

(e) Customs Form 5106 may be obtained at any customhouse or from any customs office.

That part of § 24.11(a) preceding subparagraphs (1) and (2) is amended to read as follows:

§ 24.11 Increased or additional duties or taxes; notice to importer.

(a) Any increased or additional duties or taxes found due upon liquidation shall be billed to the importer of record or to the actual owner when there shall have been filed:

The third sentence of § 24.16(c) (2) is amended to read as follows:

§ 24.16 Overtime services; overtime compensation; rate of compensation.

(2) * * * Where the security is a cash deposit, the receipt may be properly inscribed to make it serve as a combined receipt for cash deposit in lieu of bond and request for overtime services, in lieu of filing a request for overtime services on customs Form 3853.

Section 24.36(a) is amended to read as follows:

§ 24.36 Refunds of excessive duties, taxes, etc.

(a) When it is found on liquidation or reliquidation of an entry that a refund of excessive duties or taxes, or both, is due, a refund shall be prepared in the name of the person to whom the refund is due, as determined by paragraphs (b) and (c) of this section. If an authority to mail checks to someone other than the payee, customs Form 4811, is on file, the address of the payee shall be shown as in care of the address of the authorized person. If a power of attorney is on file, the address of the payee may be shown as in care of the address of such attorney, if requested. A Form 4811 received by customs will not be effective if a customs transaction requiring the use of the owner's importer number has not been made within 3 years from the date the Form 4811 was filed or if there is no unliquidated entry on file to which such number is to be associated.

The first sentence of § 25.19 is amended to read as follows:

§ 25.19 Cancellation of erroneous charges.

When it is determined that liquidated damages assessed or paid under a bond did not in fact accrue, the charge against the bond shall be canceled by the district director of customs without regard to the amount thereof, the liquidated damages, if paid, shall be refunded by the regional commissioner of customs, and an appropriate notation shall be made on customs Form 5955 or 5955-A, if the transaction has already been recorded thereon.

CUSTOMS FORMS TO BE ABOLISHED WHEN ACCOUNTING SYSTEM IS AUTOMATED

Form No. and Title

1008	Bill and Receipt for Navigation Fees, Passenger Act Fee, and Tonnage Tax.
3853-A	Bill for Reimbursable Customs Overtime Services Rendered.
3854	Statement of Services Rendered (New York use only).
4619	Final Notice of Moneys Due.
5103	Receipt for Duties, Taxes, and Mitigated Forfeiture.
5107	Notice of Duty and Internal Revenue Tax Due.
5108	Notice of Duty and Internal Revenue Tax Due (New York use only).
5109	Bill of Miscellaneous Collections.
5111-A	Account for Services of Officers, and Receipt.
5111-B	Account for Services of Officers, and Receipt.
5112	Bill for Reimbursable Customs Overtime Services (New York use only).
5113	Notice and Account of Fines, Penalties and Forfeitures, and Receipt.
5117-A	Bill and/or Receipt.
5117-B	Bill and/or Receipt.
5151-B	Record of Consumption Entries—Duty Paid on Entry.
5152	Record of Consumption Entries—Duty Paid on Entry (New York use only).
5153	Record of Goods Entered in Bond.
5167	Record and Schedule of Deposit, Trust, and Special Funds.
5187	Schedule of Collections.
5188	Schedule of Duty and Internal Revenue Tax Collections (New York use only).
5255	Depositor's Ticket.
5269	Notice of Refund.
5269-A	Notice of Refund.
5269-B	Notice of Refund.
6080	Daily Report of Services Rendered for Parties-In-Interest.

Prior to the issuance of the amendment, consideration will be given to any relevant data, views, or arguments

which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of the notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 22, 1966.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of
the Treasury.

[F.R. Doc. 66-9360; Filed, Aug. 26, 1966;
8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1005]

[Docket No. AO-177-A27]

MILK IN TRI-STATE MARKETING AREA

Notice of Rescheduled Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice was issued August 18, 1966 (31 F.R. 11149), giving notice of a public hearing to be held at the Daniel Boone Hotel, Washington and Capitol Streets, Charleston, W. Va., beginning at 10 a.m., on August 30, 1966, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tri-State marketing area.

Notice is hereby given that the said public hearing is rescheduled and will be held September 7, 1966, beginning at 10 a.m., at the Holiday Inn, Kanawha Boulevard, Charleston, W. Va.

Signed at Washington, D.C., on August 24, 1966,

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-9381; Filed, Aug. 26, 1966;
8:49 a.m.]

[7 CFR Part 1012]

[Docket No. AO-347-A4]

MILK IN TAMPA BAY MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Market- ing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of

1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Sheraton Tampa Motor Inn, 515 East Cass Street, Tampa, Fla., beginning at 10 a.m., on September 13, 1966, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Tampa Bay marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Independent Dairy Farmers' Association, Inc.:

Proposal No. 1. Amend § 1012.13 (definition of "handler") by designating as (e) and (f) the paragraphs now designated as (d) and (e) and by adding a new paragraph (d) as follows:

§ 1012.13 Handler.

(d) A cooperative association with respect to the milk of any member producer which it causes to be delivered to a pool plant for the account of such cooperative association, if the cooperative association, prior to delivery, furnishes written notice to the market administrator and to the handler to whose plant the milk is delivered that it will be the handler for such milk. The milk so delivered shall be considered to have been received by such cooperative association at the pool plant to which it is delivered.

Proposal No. 2. Amend § 1012.30 (Reports) by changing the reference in the first sentence thereof from "§ 1012.13 (d) or (e)" to "§ 1012.13 (e) or (f)".

Proposal No. 3. Amend § 1012.31 (Producer payroll reports) by changing the reference in the first sentence thereof from "§ 1012.13 (a) and (c)" to "§ 1012.13 (a), (c), and (d)".

Proposal No. 4. Amend § 1012.41(c) (Class III milk) by deleting subparagraph (5) thereof and substituting a new subparagraph (5) as follows:

§ 1012.41 Classes of utilization.

(c) Class III milk. * * *

(5) Contained in actual shrinkage of skim milk and butterfat, respectively, not to exceed the amounts calculated for each pool plant and for each cooperative association in its capacity as a handler pursuant to § 1012.13(d) as follows:

(i) 2.0 percent of receipts of skim milk and butterfat directly from producers;

(ii) Plus 1.5 percent of fluid milk products received in bulk from other pool plants and from a cooperative association in its capacity as a handler pur-

suant to § 1012.13(d), except that where the handler is purchasing milk from a cooperative association in its capacity as a handler pursuant to § 1012.13(d) and files with the market administrator, prior to the first day of the month, notice that he is purchasing such milk on the basis of the butterfat tests of farm drawn samples and weights determined at the farm the applicable percentage on such milk shall be 2.0 percent;

(iii) Plus 1.5 percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II or Class III utilization was requested by the operator of such plant and the handler;

(iv) Plus 1.5 percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II or Class III utilization was requested by the handler;

(v) Less 1.5 percent of bulk transfers of fluid milk products and diversions to a pool plant of other handlers (in the case of a cooperative association selling milk to a handler on the basis of farm weights and tests as provided in subdivision (ii) of this subparagraph, the percentage on such milk shall be 2 percent); and

(vi) Less 1.5 percent of bulk transfers or diversions in the form of fluid milk products to nonpool plants.

Proposal No. 5. Amend § 1012.60 (Computation of net pool obligation) by changing the reference in the first sentence thereof from "§ 1012.13 (a) and (c)" to "§ 1012.13 (a), (c), and (d)".

Proposed by Dairy Division, Consumer and Marketing Service:

Proposal No. 6. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Post Office Box 4886, Room 113, Professional Building, Sunrise Center, Fort Lauderdale, Fla. 33304, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on August 23, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-9359; Filed, Aug. 26, 1966;
8:46 a.m.]

[7 CFR Part 1134]

MILK IN WESTERN COLORADO MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the West-

ern Colorado marketing area is being considered for the months of August and September 1966.

The provision proposed to be suspended for August and September 1966 is "(1) An amount equal to 50 percent or more of receipts of Grade A fluid milk products is disposed of as Class I milk", appearing in § 1134.9(a), and relates to the requirement for pool plant qualification of a distributing plant.

This proposed action would eliminate for the months of August and September 1966, the requirement that a pool distributing plant dispose of 50 percent or more of its receipts of Grade A fluid milk products as Class I milk. To qualify as a pool distributing plant for such months, a plant would continue to be required to dispose of not less than 20 percent of its total Class I disposition on routes in the marketing area.

This suspension of one of the pool distributing plant qualification provisions has been requested by Western Colorado Milk Producers Association. This cooperative association represents practically all the producers delivering milk to the market. The association stated that this suspension would insure continued producer status under the order for their dairy farmer members who have regularly supplied the fluid milk requirements of the market.

Because one of the handlers receiving milk from this association has changed his operation, it is feared that such handler's plant will fail to qualify as a pool distributing plant in August and September. The association expressed concern that loss of pool plant status for this handler's plant would cause producers whose milk is received at such plant or diverted from such plant to lose producer status. Thus, these producers would not share in the returns from the market pool.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than three days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on August 25, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-9400; Filed, Aug. 26, 1966;
8:49 a.m.]

[9 CFR Part 201]

REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Extension of Time

On July 30, 1966, there was published in the FEDERAL REGISTER (31 F.R. 10325)

a notice of a proposal to amend §§ 201.22, 201.23, 201.25, and 201.26 (9 CFR 201.22, 201.23, 201.25, 201.26) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), regarding schedules of rates and charges required to be filed pursuant to section 306 of the Act (7 U.S.C. 207). The notice provided that written data, views, or arguments concerning the proposed amendments should be filed in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., on or before August 31, 1966. In response to the request of interested persons, the time for filing such written data, views, or arguments is hereby extended to and including September 30, 1966.

Done at Washington, D.C., this 24th day of August 1966.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs, Consumer and Marketing Service.

[F.R. Doc. 66-9398; Filed, Aug. 26, 1966;
8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 15]

FLOUR STANDARDS

Proposed Deletion of Oxides of Nitrogen and Nitrosyl Chloride From List of Optional Bleaching Ingredients

The definitions and standards of identity for wheat flour and related products, as promulgated in 1941, listed several substances as optional bleaching ingredients. An investigation has shown that two of these flour bleaching agents, oxides of nitrogen and nitrosyl chloride, are no longer used. To eliminate these items from periodic reviews, the Commissioner of Food and Drugs proposes that the standards of identity for flour, whole wheat flour, and related products be amended by deleting oxides of nitrogen and nitrosyl chloride from the list of permitted optional bleaching ingredients.

Accordingly, it is proposed that:

1. Section 15.1(a) be amended by deleting subparagraphs (1) and (3).

2. Section 15.80(a) be amended by deleting from the last sentence "or a mixture of nitrosyl chloride and chlorine".

Due to cross references between the standards for wheat flour and those for related products, the changes proposed for § 15.1 also apply to §§ 15.10, 15.20, 15.30, 15.50, 15.60, 15.70, and 15.75 and the change proposed for § 15.80 applies to §§ 15.90 and 15.100.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended; 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR

2.120; 31 F.R. 3008), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: August 22, 1966.

J. K. KIRK,
Acting Commissioner of
Food and Drugs.

[F.R. Doc. 66-9365; Filed, Aug. 26, 1966;
8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-CE-13]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would raise the floors of segments of Federal airways in the Great Falls, Mont., Air Route Traffic Control Center area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Building, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency proposes to redesignate the floors on the pertinent airway segments as hereinafter set forth.

1. V-2 From Mullan Pass, Idaho, 58 miles, 9,100 feet MSL, 1,200 feet AGL Missoula, Mont., 6 miles, 1,200 feet AGL, 8,400 feet MSL Drummond, Mont.; 11 miles, 8,400 feet MSL, 1,200 feet AGL Helena, Mont.; 1,200 feet AGL INT Helena 119° and Bozeman, Mont., 338° True radials; 1,200 feet AGL Bozeman; 1,200 feet AGL INT Bozeman 128° and Livingston, Mont., 261° True radials; 1,200 feet AGL Livingston, 11 miles, 1,200 feet AGL, 25 miles, 8,500 feet MSL, 1,200 feet AGL Billings, Mont., including an N alternate from Helena, 21 miles, 1,200 feet AGL, 10 miles, 10,500 feet MSL, 11,500 feet MSL INT Helena 089° and

Billings 301° True radials, 54 miles, 10,000 feet MSL, 1,200 feet AGL to Billings, excluding the airspace between the main and this N alternate; 19 miles, 1,200 feet AGL, 79 miles, 4,900 feet MSL, 1,200 feet AGL Miles City, Mont., including an N alternate from Billings, 19 miles, 1,200 feet AGL, 4,900 feet MSL INT Billings 055° and Miles City 269° True radials; 42 miles, 4,900 feet MSL, 1,200 feet AGL to Miles City; 24 miles, 1,200 feet AGL, 90 miles, 5,500 feet MSL, 1,200 feet AGL Dickinson, N. Dak.; 10 miles, 1,200 feet AGL, 60 miles, 3,800 feet MSL, 1,200 feet AGL Bismarck, N. Dak., including an N alternate from Dickinson, 10 miles, 1,200 feet AGL, 3,800 feet MSL INT Dickinson 078° and Bismarck 290° True radials, 28 miles, 3,800 feet MSL, 1,200 feet AGL Bismarck.

2. V-15 From Bismarck, N. Dak., 1,200 feet AGL Minot, N. Dak.

3. V-19 From Billings, Mont., 38 miles, 1,200 feet AGL, 7,200 feet MSL INT Billings 347° and Lewistown, Mont., 104° True radials; 1,200 feet AGL Lewistown; 1,200 feet AGL Great Falls, Mont., including a 1,200 feet AGL W alternate via INT Lewistown 274° and Great Falls 122° True radials.

4. V-21 From DuBois, Idaho, 1,200 feet AGL Dillon, Mont.; 1,200 feet AGL Whitehall, Mont.; 1,200 feet AGL Helena, Mont.; 1,200 feet AGL INT Helena 352° and Great Falls, Mont., 222° True radials; 1,200 feet AGL Great Falls; 1,200 feet AGL Cut Bank, Mont., including a 1,200 feet AGL W alternate from Helena direct Cut Bank; 1,200 feet AGL via Cut Bank 348° True radial to the United States/Canadian border.

5. V-86 From Butte, Mont., 1,200 feet AGL Whitehall, Mont.; 1,200 feet AGL Bozeman, Mont.; 1,200 feet AGL INT Bozeman 128° and Livingston, Mont., 261° True radials; 1,200 feet AGL Livingston; 11 miles, 1,200 feet AGL, 25 miles, 8,500 feet MSL, 1,200 feet AGL Billings, Mont.

6. V-120 From Mullan Pass, Idaho, 60 miles, 9,500 feet MSL, 43 miles, 12,500 feet MSL, 1,200 feet AGL Great Falls, Mont.; 1,200 feet AGL Lewistown, Mont., including a 1,200 feet AGL N alternate via INT Great Falls 074° and Lewistown 308° True radials; 41 miles, 1,200 feet AGL, 72 miles, 8,500 feet MSL, 1,200 feet AGL Miles City, Mont.; 48 miles, 1,200 feet AGL, 109 miles, 9,000 feet MSL, 3,800 feet MSL Dupree, S. Dak.

7. V-169 From Rapid City, S. Dak., 1,200 feet AGL Dupree, S. Dak.; 1,200 feet AGL Bismarck, N. Dak.

8. V-187 From Boysen Reservoir, Wyo., 9 miles, 1,200 feet AGL, 78 miles, 10,500 feet MSL, 1,200 feet AGL Billings, Mont.; 40 miles, 1,200 feet AGL, 7,500 feet MSL INT Billings 317° and Great Falls, Mont., 122° True radials; 1,200 feet AGL Great Falls.

9. V-231 From Missoula, Mont., 1,200 feet AGL INT Missoula 354° and Kalispell, Mont., 180° True radials; 1,200 feet AGL Kalispell.

10. V-257 From DuBois, Idaho, 1,200 feet AGL Dillon, Mont.; 1,200 feet AGL Butte, Mont.; 22 miles, 1,200 feet AGL, 8,500 feet MSL INT Butte 002° and Helena, Mont., 272° True radials; 1,200 feet AGL INT Helena 272° and Great Falls, Mont., 222° True radials; 1,200 feet AGL Great Falls.

11. V-430 From Williston, N. Dak., 1,200 feet AGL Minot, N. Dak.

12. V-439 From Dickinson, N. Dak., 13 miles, 1,200 feet AGL, 62 miles, 4,000 feet MSL, 1,200 feet AGL Williston, N. Dak.

13. V-456 From Dunois, Wyo., 14 miles, 1,200 feet AGL, 45 miles, 13,700 feet MSL, 1,200 feet AGL Billings, Mont. From Miles City, Mont., 24 miles, 1,200 feet AGL, 90 miles, 5,500 feet MSL, 1,200 feet AGL Williston, N. Dak., including an E alternate from Miles City, 24 miles, 1,200 feet AGL, 5,500 feet MSL INT Miles City 053° and Williston 204° True radials, 49 miles, 5,500 feet MSL, 1,200 feet AGL, to Williston.

14. V-536 From Mullan Pass, Idaho, 39 miles, 9,500 feet MSL, 1,200 feet AGL Kalispell, Mont.; 20 miles, 1,200 feet AGL, 41 miles, 11,500 feet MSL, 1,200 feet AGL Great Falls, Mont.

On those segments for which a 1,200 feet AGL floor is proposed, the floor is required for climb from the surface to minimum en route altitude, for en route climb, or for aeronautical chart legibility.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on August 17, 1966.

T. McCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 66-9339; Filed, Aug. 26, 1966;
8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-SO-72]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Mobile, Ala., transition area and the Mobile, Ala. (Bates Field) control zone.

The Mobile (Bates Field) control zone, described in § 71.171 (31 F.R. 2065), would be redesignated as follows:

Within a 5-mile radius of Bates Field (latitude 30°41'17.7" N., longitude 88°14'26.6" W.); within 2 miles each side of the Mobile VORTAC 113° radial extending from the 5-mile radius zone to 2 miles SE of the VORTAC.

A review of instrument approach procedures and applicable criteria for Bates Field disclosed that the airspace currently designated for the control zone is excessive to that required. The proposed amendment would reduce the amount of controlled airspace northwest of the airport.

The Mobile, Ala., transition area is described in § 71.181 (31 F.R. 2149).

The transition area would be altered by redesignating the 700-foot portion as follows:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Bates Field (latitude 30°41'17.7" N., longitude 88°14'26.6" W.); within 8 miles SW and 5 miles NE of the Bates Field localizer NW course extending from 5 miles SE to 12 miles NW of the OM; within an 8-mile radius of Brookley AFB (latitude 30°37'39" N., longitude 88°04'10" W.); and within 2 miles each side of the Brookley VORTAC 140° radial extending from the VORTAC to 12 miles SE.

The 1200-foot portion of the transition area would not be changed.

The review of the terminal airspace structure and instrument operations at Bates Field and Brookley AFB disclosed that insufficient controlled airspace exists as required by applicable criteria. The proposed amendment would provide controlled airspace required for the pro-

tection of IFR operations at both airports.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Agency, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on August 17, 1966.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 66-9340; Filed, Aug. 26, 1966;
8:45 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 215]

[Reg. 0]

EXECUTIVE OFFICERS OF MEMBER BANKS

Proposed Loans

The Board of Governors is considering amending § 215.1(c) to add a new exemption (iv) to the second sentence thereof so that the terms "loan", "loaning", "extension of credit", and "extend credit" within the meaning of the regulation would not include "the acquisition by a bank in the usual course of business of charge or time credit accounts that represent indebtedness incurred by an executive officer for the purchase of goods or services".

The proposed amendment is designed to exclude from the obligations and restrictions of section 22(g) of the Federal Reserve Act (12 U.S.C. 375a) and Part 215 indebtedness of an executive officer to his own bank or another bank that arises from the acquisition by the bank of charge or time credit accounts, provided such indebtedness represents an obligation of the executive officer to pay for goods or services. The exemption would be applicable to such indebtedness charged with stores or merchants either

PROPOSED RULE MAKING

directly or indirectly through national or local credit card companies or similar agencies. The exemption would be applicable even if such companies or agencies are affiliated with any bank.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 12, 1966.

Dated at Washington, D.C. this 19th day of August, 1966.

By order of the Board of Governors.

[SEAL]

MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66-9346; Filed, Aug. 26, 1966;
8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3-P]

ALUMINUM SHEATHED COAXIAL CABLE FROM CANADA

Antidumping Proceeding Notice

AUGUST 22, 1966.

On August 1, 1966, the Commissioner of Customs received information in proper form pursuant to the provisions of § 14.6(b) of the Customs Regulations indicating a possibility that aluminum sheathed coaxial cable, also known as insulated electrical conductor cable imported from Canada, manufactured by Canada Wire & Cable Co., Ltd., Toronto, Canada, is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made for differences in quantity and circumstances of sale.

A summary of the information received is as follows:

The Canadian home market price list indicates that the sales for home consumption are at prices about 13 percent higher than the net price for exportation to customers in the United States.

Having conducted a summary investigation pursuant to § 14.6(d) (1) (i) of the Customs Regulations and having determined on this basis that there are grounds for so doing the Bureau of Customs is instituting an inquiry pursuant to the provisions of § 14.6(d) (1) (ii), (2), and (3) of the Customs Regulations to determine the validity of the information.

Pursuant to a determination under § 14.6a of the Customs Regulations, the name of the person who raised or presented the question of dumping is withheld.

This notice is published pursuant to § 14.6(d) (1) (i) of the Customs Regulations (19 CFR 14.6(d) (1) (i)).

[SEAL]

LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 66-9361; Filed, Aug. 26, 1966; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

AUGUST 18, 1966.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number 06 (Wash.), for the withdrawal of the lands described below, from all forms of appropriation under the mining laws (Ch. 2, 30 U.S.C.) but not from leasing under the mineral leasing laws.

The applicant desires the land in order to protect the area for public recreation use and to safeguard the Government's present and future investments in the area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon, Portland, Oreg. 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN, WASHINGTON

GIFFORD PINCHOT NATIONAL FOREST

Spirit Lake Recreation Area Addition

T. 9 N., R. 5 E.,

Sec. 3, SE¼SE¼;

Sec. 11, lots 1 to 7, incl., W¼NE¼.

The areas described aggregate 354.80 acres.

ERLING A. OLSON,

Chief, Lands Adjudication Section.

[F.R. Doc. 66-9348; Filed, Aug. 26, 1966; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ILLINOIS AND NORTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Illinois and North Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ILLINOIS

Clay.	Massac.
Clinton.	Perry.
Edwards.	Pope.
Franklin.	Randolph.
Gallatin.	Richland.
Hamilton.	Saline.
Hardin.	Wabash.
Jackson.	Washington.
Jefferson.	Wayne.
Lawrence.	White.
Marion.	Williamson.

NORTH DAKOTA

Cass.	Morton.
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Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 23d day of August 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-9352; Filed, Aug. 26, 1966; 8:46 a.m.]

OKLAHOMA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Oklahoma natural disasters have caused a need for agricultural credit not readily available from commercial banks, co-operative lending agencies, or other responsible sources.

OKLAHOMA

Grady,
Harper.

Woodward.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 23d day of August 1966.

ORVILLE L. FREEMAN,
Secretary.[F.R. Doc. 66-9353; Filed, Aug. 26, 1966;
8:46 a.m.]DEPARTMENT OF HEALTH, EDU-
CATION, AND WELFAREFood and Drug Administration
AMERICAN CYANAMID CO.Notice of Filing of Petition Regarding
Pesticide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 7FO521) has been filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, proposing the establishment of tolerances for residues of the insecticide phorate (O,O-diethyl S-[(ethylthio)methyl] phosphorodithioate) in or on raw agricultural commodities, as follows:

0.5 part per million in or on alfalfa and potatoes.

0.2 part per million in or on corn.

0.05 part per million in or on lettuce, milo, peanuts, and rice.

The analytical methods proposed in the petition for determining residues of phorate are:

1. An oxidative-cholinesterase-delta-pH method which involves extracting the residue with chloroform, following with a benzene wash, oxidizing to the oxygen analog sulfone with peracetic acid, and determining the sulfone by a delta-pH technique.

2. A phosphorus method in which the residue is extracted with chloroform or benzene and cleaned up either by a charcoal chromatographic column or by an

acetonitrile-hexane partition. After further cleanup, the residue is taken to dryness, oxidized with *m*-chloroperbenzoic acid, and the phosphate is determined colorimetrically by the molybdenum blue procedure.

Dated: August 22, 1966.

J. K. KIRK,
Acting Commissioner
of Food and Drugs.[F.R. Doc. 66-9366; Filed, Aug. 26, 1966;
8:47 a.m.]

MEIER'S WINE CELLARS, INC.

Notice of Filing of Petition for Food
Additive Metatartaric Acid

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6A2035) has been filed by Meier's Wine Cellars, Inc., 6955 Plainfield Park, Silverton, Cincinnati, Ohio 45236, proposing the issuance of a regulation to provide for the safe use of metatartaric acid as a stabilizer in wine.

Dated: August 22, 1966.

J. K. KIRK,
Acting Commissioner of
Food and Drugs.[F.R. Doc. 66-9367; Filed, Aug. 26, 1966;
8:47 a.m.]

ATOMIC ENERGY COMMISSION

PROPOSED MODIFICATION OF 1967-
1970 DOMESTIC URANIUM PRO-
CUREMENT PROGRAM

Request for Public Comment

1. Notice is hereby given by the Atomic Energy Commission of its intent to modify the Domestic Uranium Procurement Program established for the period January 1, 1967, through December 31, 1970. Notice of this program was published in the FEDERAL REGISTER on November 20, 1962 (27 F.R. 11435).

2. Paragraph 11 of the announcement (27 F.R. 11435) provides for a market during 1967 and 1968 for production from small property units, which have had annual allocations of less than 20,000 pounds of U₃O₈ in ore and have produced and delivered ore to a mill during the period April 1, 1962, to December 31, 1966, through AEC-approved contracts with milling companies having concentrate sales contract modifications completed under the announcement (27 F.R. 11435). Paragraph 12 provides for a market during 1967 and 1968 for production from those property units whose contracts with the applicable milling companies have been modified with AEC approval to provide for a reduction in their 1963-1966 contract quantity to 20,000 pounds of U₃O₈ in ore annually.

3. Some eligible property units in isolated areas are not served by any mill having a contract modification in accordance with the terms of the an-

nouncement (27 F.R. 11435), and therefore are precluded from selling ore under this program. However, several milling companies which are not participating in the 1966-1970 AEC program pursuant to the announcement (27 F.R. 11435) now plan to operate milling facilities located in certain isolated areas during 1967-1968, and except for the restriction limiting purchases of U₃O₈ under paragraphs 11 and 12 of the announcement (27 F.R. 11435) to milling companies having contract modifications completed under the announcement (27 F.R. 11435), could accept ore from such eligible property units for production of uranium concentrates for sale to AEC. The exclusion from the program of small property units if milling services are available was not intended by AEC. Accordingly, the AEC proposes to modify its procurement program with respect to the purchase from January 1, 1967, through December 31, 1968, of uranium concentrate derived from ores from such eligible property units in isolated areas. It is proposed that exceptions to the restrictions of paragraphs 11 and 12 be made to permit the treatment of ores from eligible property units in mills other than those having contract modifications completed under the announcement (27 F.R. 11435). These exceptions would apply in those instances where the AEC shall have determined that the ore processing mill for which the exception is made serves an isolated area. Except as modified hereinabove, it is proposed that the purchase of uranium concentrate derived from ores from such property units will be governed by provisions of the announcement (27 F.R. 11435).

4. The AEC hereby solicits public comment upon this proposed modification in the 1967-1970 domestic uranium procurement program. Interested persons should direct their comments to the Secretary, U.S.A.E.C., Washington, D.C. 20545, within 45 days from the date of publication of this notice in the FEDERAL REGISTER.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 19th day of August 1966.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.[F.R. Doc. 66-9337; Filed, Aug. 26, 1966;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17594]

FLYING TIGER LINE, INC.

Notice of Postponement of
Prehearing Conference

By motion filed August 22, 1966, The Flying Tiger Line, Inc., seeks postponement of procedural steps herein for at least 30 days and states that it is willing to accept a suspension of the effective date of the proposed tariff revision for an additional 90-day period beyond the

180 days total which the Board is authorized to impose. American Airlines, Inc., United Air Lines, Inc., and Trans World Airlines, Inc., which filed complaints with respect to the tariff revision involved herein, and bureau counsel have indicated that they have no objection to the postponement.

Upon consideration of Tiger's request and its agreement to an additional 90-day suspension of the tariff revision, the prehearing conference is postponed to September 27, 1966, at 10 a.m., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., August 23, 1966.

[SEAL]

RALPH L. WISER,
Hearing Examiner.

[F.R. Doc. 66-9370; Filed, Aug. 26, 1966;
8:47 a.m.]

[Docket No. 17292]

PUERTO RICAN FORWARDING CO., INC.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on September 21, 1966, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on August 2, 1966, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 23, 1966.

[SEAL]

MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 66-9371; Filed, Aug. 26, 1966;
8:47 a.m.]

[Docket No. 17287]

REA ENFORCEMENT CASE

Notice of Change of Hearing Location

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is reassigned to be held on September 20, 1966, at 10 a.m., e.d.s.t., in Room C, Federal Building, 14th Floor, 30 Church Street, New York City, N.Y., before the undersigned Examiner.

Dated at Washington, D.C., August 23, 1966.

[SEAL]

WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 66-9372; Filed, Aug. 26, 1966;
8:48 a.m.]

FEDERAL MARITIME COMMISSION

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald A. Capone, Kirlin, Campbell & Keating, The Farragut Building, 900 Seventeenth Street NW., Washington, D.C. 20006.

Agreement 5850-6, between the member lines of the North Atlantic Westbound Freight Association, proposes the amendment of Article 16 of the basic agreement (5850, as amended) to provide for an increase in the amount of the admission fee from £1,000 to £3,000.

Dated: August 23, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-9351; Filed, Aug. 26, 1966;
8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP66-24]

PIPELINE PRODUCTION AREA RATE PROCEEDING

Order Deleting Respondent

AUGUST 22, 1966.

Texas Gas Pipe Line Corp. (Texas Gas), on August 5, 1966, filed a motion requesting that it be deleted as a respondent in the above-designated proceeding.

In support of its motion, Texas Gas states, inter alia, that (1) it has no natural gas production at the present time and does not contemplate acquiring any production; (2) it currently owns and operates only 15 miles of 12-inch pipeline from which it makes a single juris-

dictional sale to Transcontinental Gas Pipe Line Corp.; (3) it is seeking authorization to make one additional jurisdictional sale to Texas Eastern Transmission Corp., which if granted would then increase Texas Gas' system to 50 miles of 10- and 12-inch pipeline; (4) currently it makes all of its gas purchases from unaffiliated independent producers; (5) if the authorization referred to above is granted it will purchase less than 1 percent of its total annual purchases from Union Texas Petroleum which is, as is Texas Gas, a subsidiary of Allied Chemical Corp.; and (6) it is doubtful that its continued participation in these proceedings, at considerable burden and expense, will contribute substantially toward the Commission's consideration and resolution of the issues involved.

On basis of the facts recited by Texas Gas and in view of the de minimis extent of Texas Gas' interstate pipeline operations, it appears that its continued participation as a respondent herein would not be of such a nature to contribute significantly to the record or to resolution of the issues involved in this proceeding. Accordingly, Texas Gas should be deleted as a respondent to this proceeding.

The Commission orders: Texas Gas Pipe Line Corp. hereby is deleted from the list of Parties-Respondent specified in Appendix A to the order issued April 13, 1966, in this proceeding.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9342; Filed, Aug. 26, 1966;
8:45 a.m.]

[Docket No. CP67-34]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

AUGUST 23, 1966.

Take notice that on August 17, 1966, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP67-34 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, installation, and operation of a purchase meter station and appurtenant equipment to be utilized as a second delivery point from Texas Gas Pipe Line Corp. (Texas Pipe), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant presently purchases natural gas from Texas Pipe at a point near the Sabine River in Cameron Parish, La., by Commission authorization issued December 29, 1954, in Docket No. G-2405 and G-2406, under a service agreement between the two companies providing for a daily contract demand of 50,000 Mcf of natural gas per day.

Applicant states that Texas Pipe has experienced difficulty in delivering this

volume to it at the Cameron Parish delivery point and therefore, in order to maintain the present contract quantity, Applicant and Texas Pipe seek authorization for the construction, installation and operation of the second delivery point.

The total estimated cost of Applicant's proposed facilities is \$30,000, and will be financed with available company funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 19, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9344; Filed, Aug. 26, 1966;
8:45 a.m.]

[Docket Nos. CS66-81 etc.]

FOREE CO., ET AL.

Findings and Order; Correction

AUGUST 18, 1966.

Foree Co., et al., Docket Nos. CS66-81, etc.; F.T.F. Gas Corp., Docket No. CS66-82; Rilan Corp., Docket No. CS66-134.

In the findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, terminating certificates, severing and terminating proceedings, amending orders issuing certificates, canceling FPC Gas Rate Schedules, dismissing applications, making successor co-respondent, redesignating proceeding, and requiring filing of agreement and undertaking, issued August 11, 1966, and published in the FEDERAL REGISTER August 20, 1966 (F.R. Doc. 66-9022, 31 F.R. 11117); in the chart insert a period in the company name after Docket No. CS66-82 and have it read "F.T.F." Gas Corporation; also abbreviate Corporation after Docket No. CS66-134 and have it read "Rilan Corp." in lieu of Rilan Corporation.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9341; Filed, Aug. 26, 1966;
8:45 a.m.]

[Docket Nos. RI66-430 etc.]

SUN OIL CO., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rate; Correction

AUGUST 11, 1966.

Sun Oil Co., et al., Docket Nos. RI66-430, etc.; M. F. Powers Estate, Docket No. RI66-433.

In the order providing for hearing on and suspension of proposed changes in rate issued July 5, 1966, and published in the FEDERAL REGISTER July 14, 1966 (F.R. Doc. 66-7638, 31 F.R. 9564), in the chart after Docket No. RI66-433 delete all reference to the purchaser Natural Gas Pipeline Company of America and insert "Cities Service Gas Company, Hugoton Field, Kearny County, Kansas" in lieu thereof.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9343; Filed, Aug. 26, 1966;
8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners, and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Ashland Crafts, Inc., 18th Street and Carter Avenue, Ashland, Ky.; effective 8-8-66 to 8-7-67 (children's dresses).

Baroness, Inc., 24 High Street, Womelsdorf, Pa.; effective 8-11-66 to 8-10-67; 5 learners (ladies' blouses).

Bee Bee Togs, Inc., 955 Live Oak Street, Tarpon Springs, Fla.; effective 8-1-66 to 7-31-67 (children's shirts and infants' crawlers).

Colonial Corp. of America, Woodbury, Tenn.; effective 8-6-66 to 8-5-67 (men's and boys' shirts).

Denton Shirt Co., Inc., Colley Street, Denton, Pa.; effective 8-5-66 to 8-4-67 (men's shirts).

Edmonton Manufacturing Co., Edmonton, Ky.; effective 8-6-66 to 8-5-67 (men's pants and outerwear jackets).

Elk Brand Manufacturing Co., 1010 South Campbell Street, Hopkinsville, Ky.; effective 8-8-66 to 8-7-67 (men's and boys' jeans and outerwear jackets).

Excelsior Frocks, Inc., 396 Academy Street, Archbald, Pa.; effective 8-8-66 to 8-7-67; 10 learners (ladies' dresses).

Garan, Inc., Philadelphia division, Philadelphia, Miss.; effective 8-8-66 to 8-7-67 (men's and boys' pants).

Gary Co., Inc., Gallatin, Tenn.; effective 8-6-66 to 8-5-67 (men's shirts and ladies' blouses).

Glen of Michigan, Community Building, Oceana County Fair Grounds, Hart, Mich.; effective 8-8-66 to 8-7-67; 10 learners. Learners may not be employed at special minimum wages in the manufacture of women's, misses', and juniors' skirts (misses' dresses and blouses).

Hanover Shirt Co., Inc., Ashland, Va.; effective 8-3-66 to 8-2-67 (men's shirts).

Hatley Sportswear, Inc., Amory, Miss.; effective 8-12-66 to 8-11-67 (men's pants).

Jamestown Shirt Corp., Jamestown, Tenn.; effective 8-6-66 to 8-5-67 (men's and boys' shirts).

Laurens Shirt Corp., Hillcrest Drive, Laurens, S.C.; effective 8-4-66 to 8-3-67 (men's shirts).

Linden Manufacturing Co., Birdsboro, Pa.; effective 8-7-66 to 8-6-67; 10 learners (ladies' blouses).

Linden Manufacturing Co., Newmanstown, Pa.; effective 8-7-66 to 8-6-67; 5 learners (ladies' blouses).

Linden Manufacturing Co., 843 North 9th Street, Reading, Pa.; effective 8-7-66 to 8-6-67; 10 learners (ladies' blouses).

Linden Manufacturing Co., 24 High Street, Womelsdorf, Pa.; effective 8-7-66 to 8-6-67; 10 learners (ladies' blouses).

Mar-Bax Shirt Co., Inc., Gassville, Ark.; effective 8-5-66 to 8-4-67 (men's shirts).

Ozark Garment Manufacturing Co., Ozark, Mo.; effective 8-5-66 to 8-4-67 (men's and boys' slacks and men's work clothing).

Toby Manufacturing Co., Inc., 620-6 Franklin Avenue, Essex, Baltimore, Md.; effective 8-4-66 to 8-3-67 (men's work pants).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Flintrock Shirt Co., Inc., Marshall, Ark.; effective 8-5-66 to 2-4-67; 75 learners (men's shirts).

Gulf Sewing Industries, Inc., Neely, Miss.; effective 8-5-66 to 2-4-67; 40 learners (men's trousers).

F. Jacobson & Sons, Inc., Middlesboro, Ky.; effective 8-1-66 to 1-31-67; 55 learners (men's shirts).

Oakley Fashions, Inc., 240 Novy Street, Jackson, Tenn.; effective 8-8-66 to 2-7-67; 40 learners (women's and misses' dresses).

Glove industry learner regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Glove Corp., Heber Springs, Ark.; effective 8-5-66 to 8-4-67; 10 learners for normal labor turnover purposes (work gloves).

Haynesville Manufacturing Co., Inc., Haynesville, La.; effective 8-6-66 to 8-5-67; 10 learners for normal labor turnover purposes (work gloves).

Indianapolis Glove Co., Inc., Coshocton, Ohio; effective 8-3-66 to 8-2-67; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Post Office Box 599, Oak Grove, La.; effective 8-3-66 to 8-2-67; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

U.S. Industries, Inc., The Batesville Co. Division, Batesville, Miss.; effective 8-3-66 to 2-2-67; 20 learners for plant expansion purposes (seamless).

U.S. Industries, Inc., The Batesville Co. Division, Batesville, Miss.; effective 8-3-66 to 8-2-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Rockwell Manufacturing Corp., 4-8 Russell Street, St. Paul, Va.; effective 8-5-66 to 8-4-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 19th day of August 1966.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[F.R. Doc. 66-9375; Filed, Aug. 26, 1966;
8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 24, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40680—*Superphosphate to Helena and Helena Crossing, Ark.* Filed by O. W. South, Jr., agent (No. A4933), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, in bulk, in carloads, subject to volume minimum of not less than 400

net tons, from producing points in Florida in Bartow area, to Helena and Helena Crossing, Ark.

Grounds for relief—Rail-barge competition.

Tariff—Supplement 2 to Southern Freight Association, agent, tariff ICC S-642.

FSA No. 40681—*Chlorine to Charlotte and Chemway, N.C.* Filed by O. W. South, Jr., agent (No. A4931), for interested rail carriers. Rates on chlorine, in tank carloads, from Hopewell and Saltville, Va., to Charlotte and Chemway, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 62 to Southern Freight Association, agent, tariff ICC S-517.

FSA No. 40682—*Chlorine from Wichita, Kans.* Filed by Western Trunk Line Committee, agent (No. A-2469), for interested rail carriers. Rates on chlorine, in tank carloads, from Wichita, Kans., to New Orleans and Norco, La.

Grounds for relief—Market competition.

Tariff—Supplement 87 to Western Trunk Line Committee, agent, tariff ICC A-4393.

FSA No. 40683—*Cement and related articles from Clarksville, Mo.* Filed by Illinois Freight Association, agent, (No. 311), for interested rail carriers. Rates on cement and related articles, in carloads, from Clarksville, Mo., to points in southern territory.

Grounds for relief—Market competition.

Tariff—Traffic Executive Association—Eastern Railroads, agent, tariff ICC C-601.

FSA No. 40684—*Class and commodity rates from and to South Americus, Ga.* Filed by O. W. South, Jr., agent (No. A4932), for interested rail carriers. Rates on property moving on class and commodity rates, between South Americus, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-9377; Filed, Aug. 26, 1966;
8:48 a.m.]

[Notice 242]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 24, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER

publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 106904 (Sub-No. 10 TA), filed August 22, 1966. Applicant: JEFF A. ROBERTSON, doing business as TOPEKA MOTOR FREIGHT, 4490 Lower Silver Lake Road, Topeka, Kans. 66618. Applicant's representative: D. S. Hulst, Box 225, Lawrence, Kans. 66604. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Atchison, Kans., and Horton, Kans., from Atchison over U.S. Highway 73 to Horton, and return over the same route, serving all intermediate points, (2) between Topeka, Kans., and Horton, Kans., from Topeka over U.S. Highway 75, to junction Kansas Highway 20, and thence over Kansas Highway 20 to Horton, and return over the same route, serving no intermediate points for 180 days. NOTE: Applicant states it intends to tack, at Atchison and Topeka, the authority applied for to other authority held by it, and to interline with other carriers at Atchison and Topeka. Supporting shippers: Jerry Bechtold, Jerry's Skelgas, Horton, Kans., Herbert H. Hill, Assistant Secretary Treasurer, Kramer Machine & Engineering Products Co., Horton, Kans., James S. Hoch, Office Manager, Al Hammer-smith & Son Manufacturing Co., Horton, Kans., Ted Plummer, Plummer Radio & T.V., 712 Central, Horton, Kans., John B. Uhlrich, Uhlrich Chevrolet, Inc., Ninth and Central, Horton, Kans., Mrs. Edward K. Fiest, Worley Furniture & Appliance Co., 113 West Eighth Street, Horton, Kans. Send protests to: I. C. Peterson, Bureau of Operations and Compliance, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 115975 (Sub-No. 8 TA), filed August 19, 1966. Applicant: C. B. W. TRANSPORT SERVICE, INC. Hedge Road, South Roxana, Ill. and Old Edwardsville Road, Post Office Box 48, Wood River, Ill. Applicant's representative: Ernest A. Brooks II, 1301-02, Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular

routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the plantsite of Shell Oil Co. Refinery, Roxana, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Wisconsin, Georgia, Texas, and West Virginia, for 150 days (Applicant was granted ETA for 30 days commencing August 12, 1966, Docket No. MC 115975 R-6). Supporting shipper: Shell Oil Co., New York, N.Y. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 112184 (Sub-No. 24 TA), filed August 22, 1966. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, Route 87, Newberry, Ohio. Applicant's representative: J. J. Kuhner, 21111 Chagrin Boulevard, Cleveland, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic Resins* in bulk, in tank vehicles, from the plantsite of The Glidden Co. at Huron, Ohio, to Little Falls, Minn., for 180 days. Supporting shipper: The Glidden Co., 900 Union Commerce Building, Cleveland, Ohio. Send protests to: G. J. Baccet, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 435 Federal Building, Cleveland, Ohio 44114.

No. MC 127215 (Sub-No. 24 TA), filed August 22, 1966. Applicant: KENDRICK CARTAGE CO., Post Office Box 63, Salem, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Desalting Compounds*, in bulk, from Odessa, Tex., to Roxana, Ill., for 180 days. Supporting shipper: Magna Corp., 410 East Hillmont Road, Odessa, Tex. 79762. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 113325 (Sub-No. 112 TA), filed August 22, 1966. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: Paul D. Borghesani, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in glass lined vehicles, from points in the United States to St. Louis, Mo., and Dallas, Tex., for 180 days. Supporting shipper: Mallinckrodt Chemical Works, Second and Mallinckrodt Streets, St. Louis, Mo. 63160. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 113362 (Sub-No. 125 TA), filed August 22, 1966. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and/or storage facilities used by Wilson & Co., Inc., at Albert Lea, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia, for 180 days. Supporting Shipper: Wilson & Co., Inc., Prudential Plaza, Chicago, Ill. 60601. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-9378; Filed, Aug. 26, 1966;
8:48 a.m.]

[Notice 1402]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 24, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68841. By order of August 22, 1966, the Transfer Board approved the transfer to Transport Services International, a corporation, Post Office Box 467, San Pedro, Calif., of certificate in No. MC-42108, issued June 14, 1955, to Harry Windust, doing business as Beverly Hills Royal Moving & Storage Co., and Royal Moving & Storage Co., 9417 West Pice Boulevard, Los Angeles, Calif., authorizing the transportation of household goods, over irregular routes, between Los Angeles, Beverly Hills, and Glendale, Calif., on the one hand, and, on the other, Los Angeles Harbor, Calif., and between points in the Los Angeles, Calif., commercial zone as defined by the Commission.

No. MC-FC-68952. By order of August 19, 1966, the Transfer Board approved the transfer to Otto Stritesky and Kenneth Stritesky, a partnership, doing business as Stritesky Trucking, Silver

Lake, Minn., of the operating rights of Otto Stritesky, Silver Lake, Minn., in certificate of registration No. MC-121080 (Sub-No. 1), issued May 11, 1965, authorizing the transportation of freight between Silver Lake and the Twin Cities Metropolitan Area via Highway 7. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

No. MC-FC-68954. By order of August 22, 1966, the Transfer Board approved the transfer to Grand Island Transit Corp., Buffalo, N.Y., of the operating rights of Gerald J. Webster and Russell S. Webster, a partnership, doing business as Genesee Bus Lines, Buffalo, N.Y., in certificate No. MC-47730, issued July 19, 1951, authorizing the transportation of passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, over regular routes, between Buffalo, N.Y., and Wellsville, N.Y., and between East Aurora, N.Y., and North Java, N.Y. William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202, attorney for applicants.

No. MC-FC-68960. By order of August 17, 1966, the Transfer Board approved the transfer to Mildred Reining, Gerald M. Reining, and Floyd T. Olver, a partnership, doing business as W. J. Reining & Sons, Beachlake, Pa., of permits in Nos. MC-115194, MC-115194 (Sub-No. 2), and MC-115194 (Sub-No. 3), issued March 22, 1961, April 16, 1962, and November 2, 1962, respectively, to William J. Reining, Sr., Mildred Reining, Gerald M. Reining, and Floyd T. Olver, a partnership, doing business as W. J. Reining & Sons, Beachlake, Pa., authorizing the transportation of: Pulverized limestone, from the site of the Limestone Products Corp. of America, plant at Lime Crest, N.J., to points in Wayne and Pike Counties, Pa., and Sullivan County, N.Y., agricultural pulverized limestone, from the above origin point to specified points in Delaware and Broome Counties, N.Y., wood products, from points in Wayne County, Pa., to points in New York, Pennsylvania, and New Jersey, lumber and wood, from points in New York, Pennsylvania, and New Jersey to points in Wayne County, Pa., and cinder and cement blocks, from points in Wayne County, Pa., to points in New York, Pennsylvania, and New Jersey. John J. Koehler, 110 Ninth Street, Honesdale, Pa. 18431, attorney for applicants.

No. MC-FC-68985. By order of August 19, 1966, the Transfer Board approved the transfer to Mrs. Gay Glaze and Mrs. Ima Hammack, doing business as Texan Bus Lines of 872 Davis Drive, Abilene, Tex., the rights acquired pursuant to approval and consummation of No. MC-FC-68381, by W. L. Murphey, Bill R. Murphey, and O. C. Murphey, a partnership, doing business as Sunset Stages, Abilene, Tex., in certificate No. MC-84780 issued July 26, 1963, to W. L. Murphey and Mrs. Sue Murphey, W. L. Murphey, independent executor, a partnership, doing business as Sunset Stages, 333 Chestnut Street, Abilene, Tex., authorizing the transportation of passen-

gers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, between Abilene, Tex., and Childress, Tex., serving all intermediate points and between San Angelo, Tex., and Abilene, Tex., serving all intermediate points.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-9379; Filed, Aug. 26, 1966;
8:49 a.m.]

[3d Rev. S.O. 562, ICC Order 211]

CANADIAN PACIFIC RAILWAY CO. ET AL.

Rerouting and Diversion of Traffic

Because of possible work stoppage by certain employees of Canadian railroads, the Railway Association of Canada has issued embargo which, in the opinion of R. D. Pfahler, Agent, will result in the affected carriers being unable to transport traffic routed over their lines.

It is ordered, That:

(a) Rerouting of traffic: Because of possible work stoppage and embargo placed, the following railroads and their connections:

The Canadian Pacific Railway Co. lines in Canada;
Canadian National Railways lines in Canada;
Quebec Central Railway Co.;
The Dominion Atlantic Railway Co.;
Ontario Northland Railway;

Napierville Junction Railway Co.;
Northern Alberta Railways Co.;
The Algoma Central Railway;
The Toronto, Hamilton & Buffalo Railway Co.;
The Midland Railway Co. of Manitoba.

being unable to transport traffic in accordance with shippers' routing, are hereby authorized to divert and reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads named in paragraph (a) above and their connections desiring to divert or reroute traffic shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier diverting or rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic authorized by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 10 a.m., August 23, 1966.

(g) Expiration date: This order shall expire at 11:59 p.m., August 31, 1966, unless otherwise modified, changed or suspended by order of this Commission.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 23, 1966.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[F.R. Doc. 66-9380; Filed, Aug. 26, 1966;
8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—AUGUST

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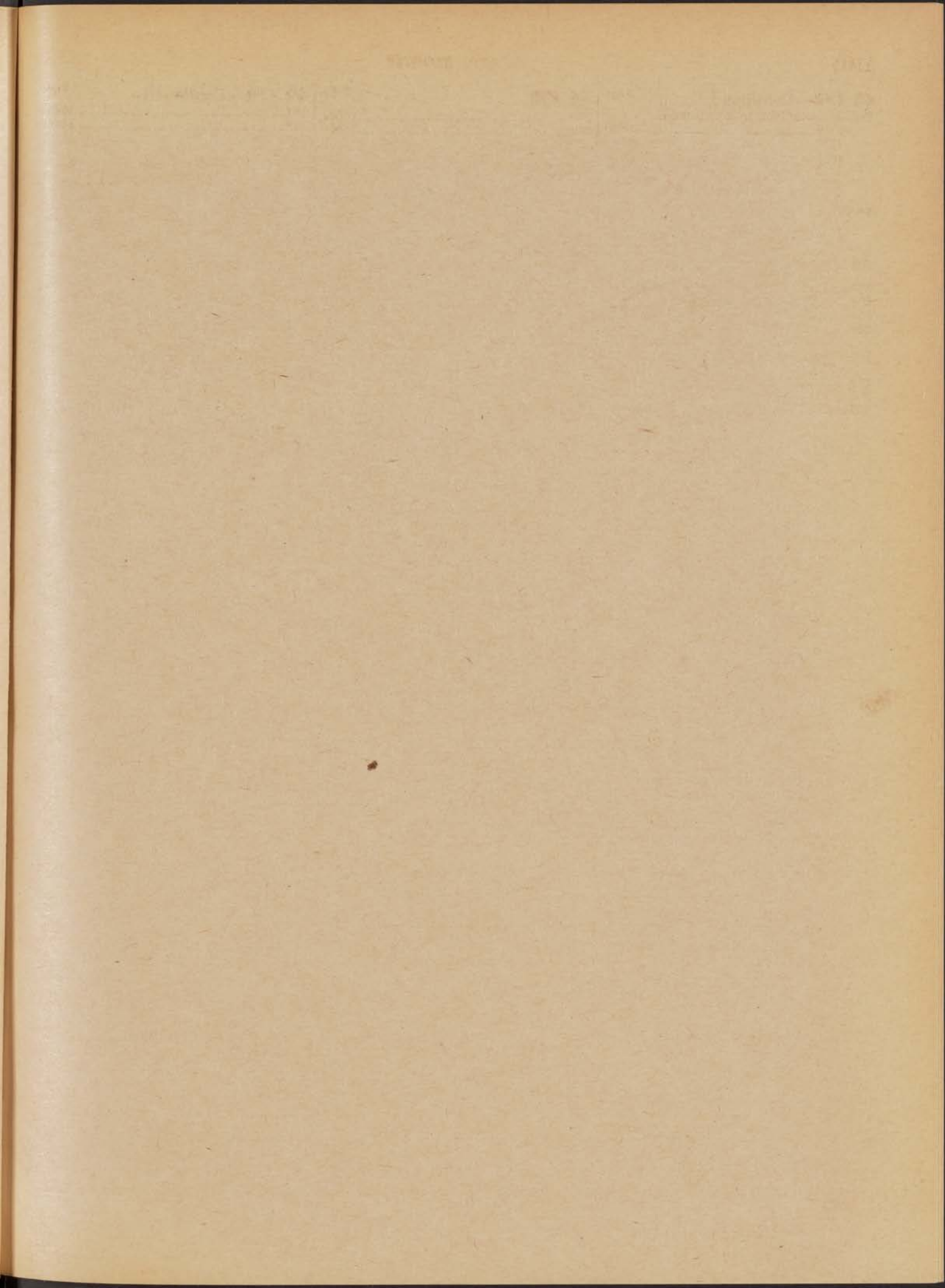
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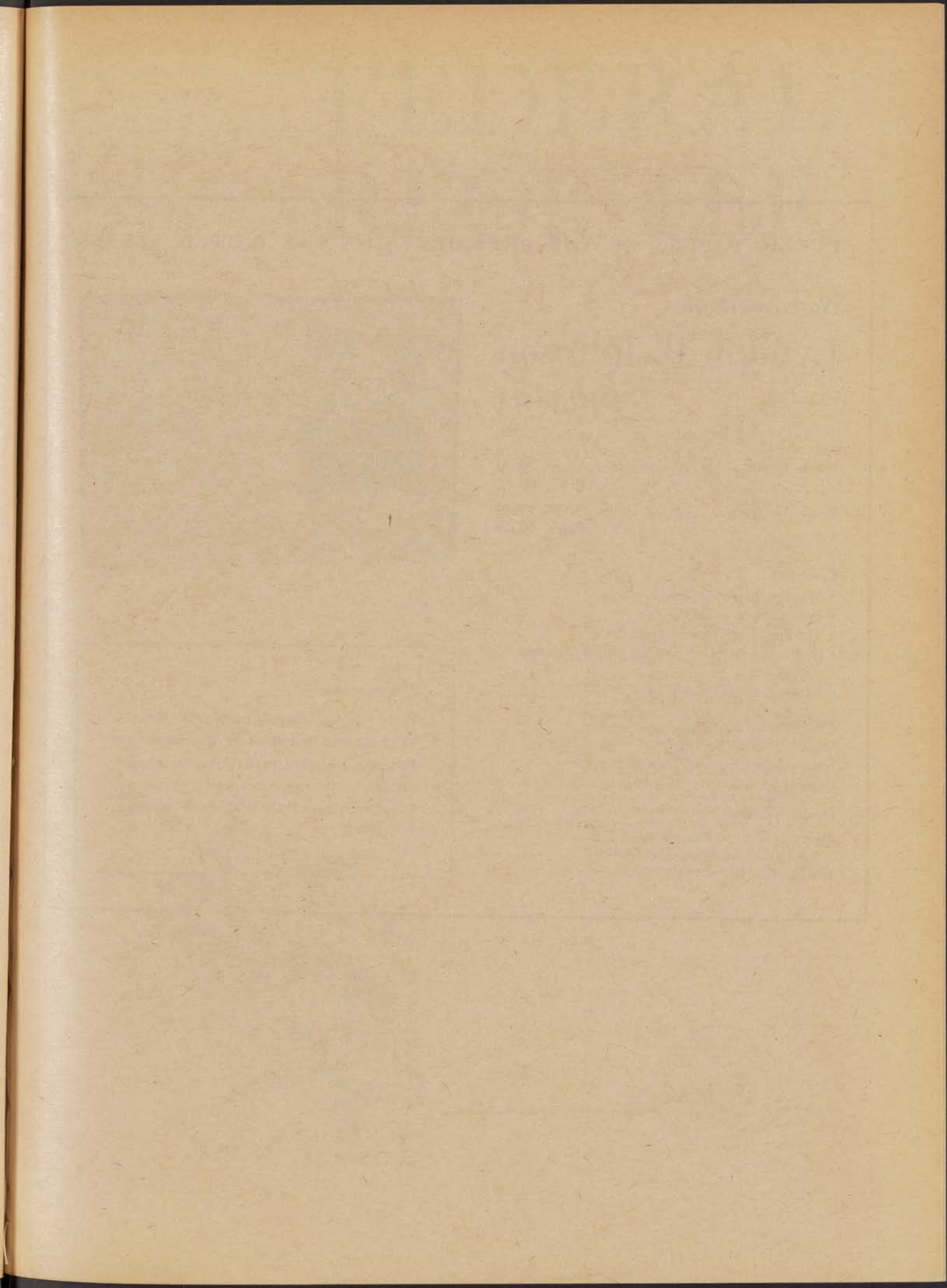
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